[redacted]

ERRATA SHEET

App.	Page	Line	Para.	
V	873	9	1st	insert "that" between the words "further" and "any"
V	1070	4-5	1st	"approxi-maetly"—s h o u l d be "approxi-mately"
V	1118	4th	2nd	under "Commodities Requiring Refrigeration" insert comma after the word "Transport"
V	1143	1	last	"Twe" should be "Two"
V	1183	3rd	2nd	substitute a "." instead of the "," following the words "United States"
V	1240	7	2nd	the word "carries" should be "carrier"
V	1244	8	1st	"34.3 percent" should be "35.4 percent)
V	1253	1		entitled "Operations:"—the word "cvarrier" should be "carrier"
V	1267			2nd line from bottom "28,770" under the column Tonnage—should be "280,770"
X	1287	12	2nd	"ir" should be "or"
X	1291	14	2nd	"carfuel" should be "careful"
X	1293	1	1st	"enteres" should be "enters"

App.	Page	Line	Para.	
X	1295	1	1st	"transittime" should be "transit time"
X	1295	10	2nd	Sentence beginning on that line should read as follows: "No one challenged this fact at the hearing or on exceptions. In finding that they were entitled to little weight for the reasons assigned, the Division acted ex moro motu, thereby depriving protestants of any opportunity to defend their propriety or correct the alleged deficiencies."
X	1299	28	1st	insert the word "between" before "Charlotte"
X	1301	4	3rd	"much of the" should be "much of such"
X	1303	16	2nd	"Albama" should be "Alabama"
X	1303	18	2nd	insert "the" before the word "authority"
X	1305	8	No. 3	"evidenec" should be "evidence"
X	1305	21	No. 3	"F.Sup." should be "F.Supp."
X	1307	3	No. 6	"questions" should be "question"
X	1308	4	No. 8	"eject" should be "reject"
X	1313	2	No. 17	"prelicated" should be "predicated"
X	1314	4	No. 21	"camparative" should be "comparative"

INDEX

Volume II

Appendix		Page
U	The Relevant Docket Entries	847
V	The Report and Order Recommended by Gerald E. Jessup and Edward E. Kobernusz, Hearing Examiners, in Herrin Transportation Company, Extension—Atlanta, Georgia, served November 19, 1969	863
W	The Order of the Interstate Commerce Commission dated October 6, 1972, denying petitions seeking a declaration by the Commission that Herrin Transportation Company, Extension—Atlanta, Georgia, involved an issue of General Transportation Importance	1271
X	Order and Judgment of the United States District Court for the Western District of Arkansas, Fort Smith Division, in Arkansas-Best Freight System, Inc., et al. v. United States of America and Interstate Commerce Commission and Red Ball Motor Freight, Inc., et al., entered September 11, 1973 (originally printed as Appendix J in the Joint Appendix to Jurisdictional Statements, pages 739-794, inclusive. Reprinted in full herein)	1275

APPENDIX U

The Relevant Docket Entries

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ARKANSAS-BEST FREIGHT SYSTEM, INC., an Arkansas Corporation, et al.,

Plaintiffs,

v. Civil No. FS-72-C-65

UNITED STATES OF AMERICA and INTERSTATE COMMERCE COMMISSION, et al.,

Defendants.

DOCKET ENTRIES

Certificate

I, E. A. Riddle, Clerk of the United States District Court for the Western District of Arkansas, do hereby certify that the record in the captioned case consists of ninety-eight **original** documents, ten briefs, two reporter's transcripts of proceedings in District Court and fourteen volumes of abstracts of evidence, set forth on the lists attached hereto, together with a record of the proceedings before the Interstate Commerce Commission which was filed as part of the record in the case.

All of the record, except the voluminous record of the proceedings before the Interstate Commerce Commission, is forwarded herewith in one registered package. The record of the proceedings before the Interstate Commerce Commission, in four cardboard boxes, as received and filed in this office, is being forwarded by motor freight in one box in accordance with directions of appellants.

This November 15, 1973, at Fort Smith, Arkansas.

s E. A. RIDDLE
Clerk

(Seal)

INDEX Volume I

Document No.	Description of Document
1.	Complaint filed October 4, 1972.
2.	Order entered October 4, 1972, requesting Interstate Commerce Commission to refrain from issuing and putting into effect certificates complained of.
3.	Telegram from firm of Rea, Cross & Knebel addressed to Clerk requesting that it be notified of filing of this action, filed Oct. 4, 1972.

INDEX Volume II

Document No.	Description of Document
4.	Order entered October 11, 1972, designating members of three-judge court.
5.	Motion of Johnson Motor Lines, Inc., for Leave to Intervene as Defendant, filed Oct. 12, 1972.
6.	Order Granting leave to Johnson Motor Lines, Inc., to intervene as defendant, entered Oct. 12, 1972.
7.	Answer of Intervenor Johnson Motor Lines, Inc., filed Oct. 12, 1972.
8.	Motion of Red Ball Motor Freight, Inc., for Leave to Intervene as a Defendant, filed Oct. 12, 1972.
9.	Order granting leave to Red Ball Motor Freight, Inc., to intervene as defendant, entered Oct. 12, 1972.
10.	Answer of Intervenor-Defendant, Red Ball Motor Freight, Inc., filed Oct. 12, 1972.

11. Summons to Interstate Commerce Commission returned by Marshal, as executed, filed Oct. 12, 1972.

12. Marshal's Return on summons to United States of America, as executed, filed Oct. 12, 1972.

13. Statement of court suggesting that counsel suggest date for hearing on prayer for interlocutory injunction and also suggesting possible agreement that instead of hearing only for interlocutory injunction that it may include hearing on final merits, filed Oct. 17, 1972.

14. Motion for Leave to Intervene as Defendants of Lorch-Westway Corporation, et al., Shippers, filed Oct. 18, 1972.

15. Certificate of Service, filed Oct. 18, 1972.

16. Order allowing plffs and other parties until Oct. 30, 1972, in which to prepare, serve and submit briefs in opposition to motion for leave to intervene, entered Oct. 18, 1972.

17. Letter from Judge Miller to Mr. Donald E. Cross, dated Oct. 19, 1972, fixing date for hearing on application for temporary restraining order as Nov. 1, 1972, at 9:30 a.m., filed Oct. 19, 1972.

18. Order entered Oct. 19, 1972, setting hearing on plffs' application for temporary restraining order for Nov. 1, 1972, at 9:30 a.m.

19. Motion of Bowman Transportation, Inc., for Leave to Intervene as a Defendant, filed Oct. 25, 1972.

20. Order allowing Bowman Transportation, Inc., to intervene as defendant, entered Oct. 25, 1972.

21. Answer of Intervenor, Bowman Transportation, Inc., filed Oct. 25, 1972.

22. Motion in Opposition to Intervention of Lorch-Westway, et al., filed Oct. 30, 1972.

23. Plffs' Brief in Opposition to Intervention by Lorch-Westway and Forty-One Other Defendants, filed Oct. 31, 1972.

24. Motion of Roadway Express, Inc., and Roadway Express, Inc., of Mississippi for Leave to Intervene, filed Oct. 31, 1972.

25. Order entered Oct. 31, 1972, allowing Roadway Express, Inc., and Roadway Express, Inc., of Mississippi to intervene as plaintiffs.

26. Opposition of Intervening Defendant Johnson Motor Lines, Inc., to Plaintiffs' Application for Temporary Restraining Order, filed Oct. 31, 1972.

27. Affidavit of Thomas G. Sloan, Vice President—Commerce, Johnson Motor Lines, Inc., filed Oct. 31, 1972.

28. Affidavit of Larry T. McCarthy, Vice President, Red Ball Motor Freight, Inc., filed Oct. 31, 1972.

29. Memorandum Supplementing Motion for Leave to Intervene as Defendants of Lorch-Westway Corporation, et al., Shippers, filed Nov. 1, 1972.

30. Affidavit of Garfield Salyers, Jr., President and General Manager of Bowman Transportation, Inc., filed Nov. 1, 1972.

31. Memorandum Brief of Intervening Defendant, Bowman Transportation, Inc., in Opposition to Motion of Plaintiffs for Temporary Restraining Order, filed Nov. 1, 1972.

INDEX VOLUME III.

Document No.	Description of Document
32.	Affidavit of Gary D. Bronson, filed Nov. 1, 1972.
33.	Affidavit in Support of Application for Temporary Restraining Order, filed by H. M. Cook on Nov. 1, 1972.
34.	Affidavit of John M. Records, filed Nov. 1, 1972.
35.	Affidavit of L. D. Davis, Red Line Transfer & Storage Company, Inc., filed Nov. 1, 1972.
36.	Affidavit of J. Montague Williams, Mercury Motors, Incorporated, filed Nov. 1, 1972.
37.	Affidavit of Clarence Levi, Mercury Freight Lines, Inc., in Support of Application for Temporary Restraining Order and Preliminary Injunctions, filed Nov. 1, 1972.
38.	Affidavit of Frank G. Campbell, President, Campbell Sixty-Six Express, Inc., filed Nov. 1, 1972.
39.	Affidavit of James W. Conner, Commerce Attorney of Roadway Express, Inc., and Roadway Express, Inc., of Mississippi, in Support of Motion for Temporary Restraining Order and Preliminary Injunction, filed Nov. 1, 1972.
40.	Affidavit on Behalf of Gordons Transports, Inc., in Support of Application for Temporary Restraining Order filed by William F. Goodwin on Nov. 1, 1972.
41.	Order entered Nov. 1, 1972, granting intervention of Lorch-Westway Corporation and the forty other Shippers.

42. Answer of Intervenor Shippers Lorch-Westway Corporation, et al., filed Nov. 1, 1972.

43. Memorandum of Points and Authorities Submitted by Plaintiffs in Support of Application for Temporary Restraining Order and Preliminary Injunction, filed Nov. 2, 1972.

44. Certificate of Service, filed Nov. 2, 1972.

45. Statement of Counsel Regarding Affidavit in Support of Motion for Temporary Restraining Order and Preliminary Injunction of Roadway Express, Inc., and Roadway Express, Inc., of Miss., filed Nov. 3, 1972.

46. Court's Opinion, re: plffs' application for temporary restraining order, filed Nov. 7, 1972.

47. Order entered Nov. 7, 1972, restraining and enjoining Interstate Commerce Commission from implementing or making effective orders entered in Docket No. MC-1124 (Sub-No. 206) that authorize the issuance of Certificate of Public Convenience to Red Ball Motor Freight, Inc., in Docket No. MC-2229 (Sub-No. 132); to Bowman Transportation, Inc., in Docket No. MC-94201 (Sub-No. 56); and to Johnson Motor Lines, Inc., in Docket No. MC-106401 (Sub-No. 18), until further orders of this court.

48. Order entered Nov. 17, 1972, directing that counsel for all parties of interest serve and submit briefs in support of their contentions on or before dates mentioned in schedule set forth.

49. Joint Answer of the United States of America and the Interstate Commerce Commission, filed Dec. 4, 1972.

50. First Amended Answer of Intervenor and Defendant, Red Ball Motor Freight, Inc., filed Dec. 4, 1972.

51. Motion of Jack Cole—Dixie Highway Company for Leave to Intervene as a Plaintiff, filed Jan. 2, 1973.

52. Order allowing Jack Cole—Dixie Highway Company to intervene as a plaintiff, entered Jan. 2, 1973.

53. Motion for Extension of Time in Which to File Brief of Plaintiffs, filed Jan. 5, 1973.

54. Order entered Jan. 9, 1973, granting plffs' motion for extension of time in which to file briefs and directing counsel for all parties to serve and submit briefs in support of their contentions on or before dates mentioned in amended schedule.

55. Xerox copies of pages 176, 179, 180, 185 and 186 of plaintiffs' brief correcting typographical errors in brief, filed March 26, 1973.

56. Motion for Extension of Time in Which to File Briefs by Defendants and Intervening Defendants, filed April 5, 1973.

57. Order entered April 5, 1973, extending time for all defendants and intervening defendants to file their answer briefs to May 1, 1973; and extending time for plffs to file their reply briefs to June 1, 1973.

58. Order entered April 24, 1973, extending time for deft. Interstate Commerce Commission to serve and submit brief to May 11, 1973, and extending time for plffs to serve and submit reply brief to June 11, 1973.

59. Order entered April 26, 1973, extending time for intervening defts. Johnson Motor Lines, Inc., Red

Ball Motor Freight, Inc., and Lorch-Westway Corporation, et al., to serve and submit briefs to May 11, 1973; and extending time for plffs to serve and submit reply brief to June 11, 1973.

60. Order amending order of April 26, 1973, to extend time for plffs to serve and submit reply brief to brief of Bowman Transportation Company to June 11, 1973, entered May 7, 1973.

61. Order entered May 10, 1973, extending time for defts. Interstate Commerce Commission and United States of America to serve and submit brief to May 23, 1973; and extending time for plffs to serve and submit reply brief to June 23, 1973.

62. Order entered May 22, 1973, giving deft. Interstate Commerce Commission and deft. United States of America until May 30, 1973, to serve and submit brief; and giving plffs until June 30, 1973, to serve and submit their reply brief.

63. Order entered June 13, 1973, granting leave to firm of Crouch, Blair, Cypert & Waters to withdraw file for purpose of photocopying portions, file to be returned to Clerk's Office no later than 9 a.m., June 18, 1973.

64. Plffs' Motion for Extension of Time in Which to File Brief, filed June 25, 1973.

65. Order entered June 26, 1973, extending time for plffs to file reply brief to July 16, 1973.

66. Plffs' Motion to File Supplemental Complaint, filed June 29, 1973.

67. Order entered June 29, 1973, setting hearing on plffs' motion to file supplemental complaint for July 24, 1973, at 10 a.m.

68. Plffs' Memorandum in Support of Motion to File Supplemental Complaint, filed July 9, 1973.

68½. Motion of Intervening Defendant Johnson Motor Lines, Inc., to Dissolve Temporary Restraining Order; to Convene Three Judge Court to Hear and Determine Plaintiffs' Application for Preliminary Injunction and Motion to File Supplemental Complaint, filed July 16, 1973.

69. Motion of Daisy Manufacturing Company to Intervene as Defendants, filed July 19, 1973.

INDEX VOLUME IV.

Document No. **Description of Document**

70. Opposition of Intervening Defendant Johnson Motor Lines, Inc., to Plaintiffs' Motion to File Supplemental Complaint, filed July 23, 1973.

71. Motion of Intervening Defendant Red Ball Motor Freight, Inc., to Dissolve Temporary Restraining Order; and to Determine Plaintiffs' Application for Preliminary Injunction and Motion to File Supplemental Complaint, filed July 23, 1973.

72. Objections of Bowman Transportation, Inc., to Plaintiffs' Motion to File Supplemental Complaint, filed July 24, 1973.

73. Affidavit of Phineas Stevens, Counsel of Record for Red Line Transfer & Storage Co., Inc., filed July 24, 1973.

74. Order entered July 30, 1973, denying without prejudice plffs' motion to file a supplemental complaint.

75. Order entered July 30, 1973, reciting that parties may proceed to submit requested Findings of Fact and Conclusions of Law and case is submitted upon complete record now in possession of court, the arguments of counsel heretofore presented and all briefs heretofore submitted.

76. Order entered July 30, 1973, allowing Daisy Manufacturing Company, et al., to withdraw motion to dismiss, motion in opposition to granting temporary restraining order and motion to file answer.

77. Order entered Aug. 3, 1973, extending time for attorneys for defts to file requested findings of facts and conclusions of law to Aug. 13, 1973, and extending time for plffs to file requested findings of fact and conclusions of law to Aug. 13, 1973.

78. Joint Proposed Findings of Fact and Conclusions of Law Submitted by the United States of America and the Interstate Commerce Commission, filed Aug. 13, 1973.

79. Proposed Opinion, Findings of Fact, and Conclusions of Law of Defendants Red Ball Motor Freight, Inc., Johnson Motor Lines, Inc., and Lorch-Westway Corporation, et al., filed Aug. 13, 1973.

80. Court's Opinion, filed Sept. 11, 1973.

81. Judgment entered Sept. 11, 1973, permanently suspending, annulling and setting aside and declaring void orders of Interstate Commerce Commission issued in Docket No. 1124 (Sub-No. 206) styled Herrin Transportation Company, Extension—Atlanta, Ga., to the extent that said orders authorize issuance of Certificates of Public Convenience and Necessity to Red Ball Motor Freight, Inc., in

Docket No. MC-2229 (Sub-No. 132); to Bowman Transportation, Inc., in Docket No. MC-94201 (Sub-No. 56); and to Johnson Motors Lines, Inc., in Docket No. MC-106401 (Sub-No. 18).

82. Motion of the United States of America and The Interstate Commerce Commission for Amendment of Judgment, filed Sept. 17, 1973.

83. Memorandum of the United States of America and The Interstate Commerce Commission in Support of the Motion for Amendment of Judgment, filed Sept. 17, 1973.

84. Plaintiffs' Memorandum in Opposition to Motion for Amendment of Judgment, filed Sept. 24, 1973.

85. Notice of Appeal to the Supreme Court of the United States filed Sept. 27, 1973, by Johnson Motor Lines, Inc., intervening deft.

86. Copy of Clerk's letter transmitting filed copy of Notice of Appeal to other parties, filed Sept. 27, 1973.

87. Notice of Appeal to the Supreme Court of the United States filed Oct. 2, 1973, by Bowman Transportation, Inc., intervening deft.

88. Copy of Clerk's letter transmitting filed copy of Notice of Appeal to other parties, filed Oct. 2, 1973.

89. Court's Opinion re: motion of United States of America and Interstate Commerce Commission seeking an amendment to judgment, filed Oct. 4, 1973.

90. Order entered Oct. 4, 1973, overruling and denying motion of United States of America and Interstate Commerce Commission for amendment of judgment entered Sept. 11, 1973.

91. Notice of Appeal to the Supreme Court of the United States filed Oct. 10, 1973, by Red Ball Motor Freight, Inc., intervening deft.

92. Copy of Clerk's letter transmitting filed copy of Notice of Appeal to other parties, filed Oct. 10, 1973.

93. Notice of Appeal to the Supreme Court of the United States filed Oct. 19, 1973, by Bowman Transportation, Inc.

94. Copy of Clerk's letter transmitting filed copy of Notice of Appeal to other parties, filed Oct. 19, 1973.

95. Notice of Appeal to the Supreme Court of the United States filed Nov. 5, 1973, by Lorch-Westway Corp., et al.

96. Copy of Clerk's letter transmitting filed copy of Notice of Appeal to other parties, filed Nov. 5, 1973.

97. Notice of Appeal to the Supreme Court of the United States filed Nov. 9, 1973, by United States of America and Interstate Commerce Commission, defendants.

98. Copy of Clerk's letter transmitting filed copy of Notice of Appeal to other parties, filed Nov. 9, 1973.

INDEX TO TRANSCRIPTS

Document No.	Description of Document
1.	Court Reporter's Transcript of hearing held before the Honorable John E. Miller, Senior District Judge, on November 1, 1972, filed Feb. 5, 1973.

2. Court Reporter's Transcript of hearing held before the Honorable Pat Mehaffy, Honorable John E. Miller and Honorable Paul X Williams on July 24, 1973, filed Oct. 19, 1973.

INDEX TO BRIEFS

Document No.	Description of Document
1.	Initial Brief of Plaintiffs and Intervening Plaintiffs, filed Feb. 15, 1973.
2.	Brief of Bowman Transportation, Inc., filed Apr. 18, 1973.
3.	Brief of Lorch-Westway Corporation, et al., Defendants-Intervenors, filed May 8, 1973.
4.	Exhibits to Brief of Lorch-Westway Corporation, et al., Defendants-Intervenors.
5.	Brief of Intervening Defendant, Red Ball Motor Freight, Inc., filed May 10, 1973.
6.	Brief of Johnson Motor Lines, Inc., filed May 15, 1973.
7.	Exhibit No. 1 to Brief of Johnson Motor Lines, Inc., Intervening Defendant, filed May 15, 1973.
8.	Joint Brief of the United States of America and the Interstate Commerce Commission, filed June 1, 1973.
9.	Appendix to Joint Brief, filed June 1, 1973.
10.	Reply Brief of Plaintiffs and Intervening Plaintiffs, filed July 16, 1973.

INDEX TO ABSTRACTS OF EVIDENCE

Document No.	Description of Document
1.	Volume I, Abstract of Evidence on Behalf of Bowman Transportation, Inc., Jones Truck Lines, Inc., and Johnson Motor Lines, Inc., before the Interstate Commerce Commission in Herrin Transportation Company, Docket MC-1124, filed Nov. 12, 1973.
2.	Volume II, "
3.	Volume III, "
4.	Volume IV, "
5.	**Volume V,** "
6.	Volume VI, "
7.	Volume VII, "
8.	Volume I, Joint Abstract of the Evidence Presented by or Specifically Relating to Public Witnesses Supporting the Ten Applications as Prepared by Certain Protestants and Certain Applicant-Protestants before the Interstate Commerce Commission in Herrin Transportation Company, MC-1124 (Sub No. 206), filed Nov. 12, 1973.
9.	Volume II, "
10.	Volume III, "
11.	Volume IV, "

12. Joint Abstract of the Evidence Presented by Applicants as Operating Testimony as Prepared by Certain Protestants and Certain Applicant-Protestants before the Interstate Commerce Commission in Herrin Transportation Company, MC-1124 (Sub No. 206), filed Nov. 12, 1973.

13. Joint Abstract of the Evidence Presented by Protestants as Prepared by Certain Protestants and Certain Applicant-Protestants before the Interstate Commerce Commission in Herrin Transportation Company, MC-1124, Sub No. 206, filed Nov. 12, 1973.

14. Joint Abstract of the Evidence Presented by Applicants in Rebuttal to Evidence of Protestants as Prepared by Certain Protestants and Certain Applicant-Protestants before the Interstate Commerce Commission in Herrin Transportation Company, MC-1124 (Sub No. 206), filed Nov. 12, 1973.

APPENDIX V

The Report and Order Recommended by Gerald E. Jessup and Edward E. Kobernusz, Hearing Examiners, in Herrin Transportation Company, Extension—Atlanta, Georgia, served November 19, 1969.

INTERSTATE COMMERCE COMMISSION
Served November 19, 1969

Notice to the Parties

Exceptions, if any, must be filed with the Secretary, Interstate Commerce Commission, Washington, D. C., and served on all other parties in interest, within 30 days from the date of service shown above, or within such further period as may be authorized for the filing of exceptions. At the expiration of the period for the filing of exceptions, the attached order will become the order of the Commission and will become effective unless exceptions are filed seasonably or the order is stayed or postponed by the Commission. To be seasonably filed, exceptions must reach the Commission on or before the date they are due. If exceptions are filed, replies thereto may be filed within 20 days after the final date for filing exceptions. If the recommended order becomes effective as the order of the Commission, a notice to that effect, signed by the Secretary, will be served.

No. MC-1124 (Sub-No. 206)[1]

HERRIN TRANSPORTATION COMPANY
EXTENSION—ATLANTA, GA.

Decided

In each proceeding public convenience and necessity found not shown to require operation by applicant in interstate or foreign commerce as a common carrier by motor vehicle of general commodities, with exceptions, over the routes, or between the points and territories described in the respective applications. Applications denied.

Maurice F. Bishop, John P. Carlton, William P. Jackson, Jr., James B. Blair, W. T. Brunson, William A. Chestnutt, A. Alvis Layne, Kim D. Mann, R. W. Collinsworth, Donald E. Cross, Douglas Faris, Leroy Hallman, Ralph W. Pulley, Jr., William E. Livingstone, III, Carl L. Phinney, Claude N. Knox, Donald B. Lockridge, Charles D. Mathews, David Crockett, Jerry Prestridge, Robert S. Richard, Samuel W. Taylor, Thomas G. Sloan,

[1] This report also embraces: (1) No. MC-2202 (Sub-No. 273), Roadway Express, Inc., Extension—New Orleans, La., (2) No. MC-2229 (Sub-No. 132), Red Ball Motor Freight, Inc., Extension—Atlanta, Ga., (3) No. MC-11207 (Sub-No. 233), Deaton Truck Line, Inc., Re-entitled Deaton, Inc., Extension—Dallas, Tex., (4) No. MC-18088 (Sub-No. 36), Floyd & Beasley Transfer Company. Inc., Extension—Dallas, Tex., (5) No. MC-59680 (Sub-No. 147), Strickland Transportation Co., Inc., Extension—Atlanta, Ga., (6) No. MC-76177 (Sub-No. 304), Baggett Transportation Company Extension—Dallas, Tex., (7) No. MC-94201 (Sub-No. 56), Bowman Transportation, Inc., Extension—Dallas, Tex., (8) No. MC-106401 (Sub-No. 18), Johnson Motor Lines, Inc., Extension—Dallas, Tex., and (9) No. MC-111231 (Sub-No. 67), Jones Truck Lines, Inc., Extension—Atlanta, Ga.

and *William O. Turney* for applicants. and for certain of the applicants as protestants to other applications.

M. Ward Bailey, Lennox O. Boyles, Clifford E. Hillerby, Leon E. Ledford, Drew L. Carraway, John S. Fessenden, James N. Clay, III, Morris G. Cobb, S. Earl Dove, James H. Epps, III, Charles L. Ford, Jr., Robert W. Gerson, S. E. Somers, Jr., Charles O. Gillogly, W. F. Goodwin, Wentworth E. Griffin, Stephen L. Grossman, G. F. Gunn, Jr., B. W. Latourette, Jr., John C. Henderson, Rollo E. Kidwell, W. C. Mauldin, Lewis B. Doggett, J. E. May, James W. Nisbet, Ed White, Richard M. Gleason, V. R. Oldenburg, Sol H. Proctor, John M. Records, R. J. Reynolds, Jr., R. J. Reynolds, III, Lloyd M. Roach, Phillip Robinson, Dan Felts, Clifford E. Sanders, John Schwab, Paul M. Daniell, Alan E. Serby, Keith Y. Sharpe, Phineas Stevens, F. T. Stroud, Robert E. Tate, Eugene K. Walburn, Guy H. Postell, Harold G. Hernly, Harold G. Hernly, Jr., and *Richard A. Bishop* for protestants.

REPORT AND ORDER

Recommended by Gerald E. Jessup and Edward E. Kobernusz
Hearing Examiners

Opening Statement:

Each of the ten applicants herein filed an appropriate application to extend its motor common carrier authority for the transportation of general commodities (with exceptions) so as to permit additional operations in a portion of the country generally lying between Atlanta, Ga., Birmingham, Ala., and Pensacola, Fla., on the east and Houston, Dallas and Fort Worth, Tex., on the west. The extent of the authority sought varies with each applicant. In general, however, the four Texas or

southwestern applicants, namely Herrin,[2] Red Ball, Strickland, and Jones, seek to extend their operations to Birmingham and Atlanta on the east; the five southern carriers, namely Deaton, Floyd & Beasley, Baggett, Bowman, and Johnson are seeking to extend their authority into the Southwest, primarily to Texas points (Bowman also seeking extension to Kansas City, Mo., and Topeka, Kans.); and Roadway proposes to extend its authority from Montgomery, Ala., to Pensacola, Fla., and New Orleans and Baton Rouge, La. Regular route authority is sought by all but one of the applicants. Each applicant proposes to tack the authority sought with its present operations.

There is set forth in Appendix A the name, headquarters, docket number, application filing date and authority sought (as amended) for each of the ten applicants. In addition there is included in this appendix information concerning each of the applicant's present authority, motor vehicle equipment, terminal facilities and financial statements.

The applicants are established interstate motor common carriers of general commodities having been engaged in such operations under authority of this Commission for many years. Each operates a sizable fleet of trucking equipment, maintains terminals in the territories served, has an active safety program, and is capable of performing the operations proposed.

Hearing

The applications were referred to the examiners for hearing and the recommendation of appropriate orders. Because of the

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[2] Herrin Transportation Company was merged into McLean Trucking Company, effective October 1, 1969, pursuant to authority in No. MC-F-10121, McLean Trucking Company—Control and Merger—Herrin Transportation Company (not printed), decided August 5, 1969.

extensive nature of the hearings proposed and the burdens that would be imposed upon counsel, and the parties by a continuous hearing session, both applicants and the protestants sought and were permitted to have the hearings scheduled at intermittent intervals. By agreement of the parties 3 separate sessions of the hearings were held at each Washington, D. C., Atlanta, Ga., and Dallas, Tex., and single sessions at Houston, Tex., New Orleans, La., Kansas City, Mo., Tulsa, Okla., and Memphis, Tenn., during a period extending from March 1966 to August 1967. In all there were 149 days of hearing of which 113 days were devoted to the applicants' presentation of evidence and 36 days to the protestants' presentation. The transcript of testimony covers 23,423 pages and there are 1,989 exhibits. A total of 950 witnesses testified on behalf of applicants including 933 public witnesses who are engaged in shipping or receiving freight by motor carrier.[3] Many of the public witnesses testified on behalf of more than one applicant. The total number of public witnesses called by each carrier and the number supporting the various carriers is as follows:[4]

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[3] Included are 12 motor common carrier witnesses testifying on behalf of certain of the applicants concerning the need for additional connecting line services which would be available through the grant of the particular application supported.

[4] Appendix B is a listing of the public witnesses appearing on behalf of applicants, numbered in the order of their appearance and containing the name of the company represented and the applicants supported.

Carrier	Witnesses Presented[5]	Witness Support
Herrin	86	116
Roadway	97	123
Red Ball	130	171
Deaton	33	58
Floyd & Beasley	19	41
Strickland	103	134
Baggett	38	52
Bowman	192	363
Johnson	105	256
Jones	130	222

Appearances were entered on behalf of a total of 66 protestants although 6 subsequently withdrew their opposition. Forty-eight of the protestants offered evidence in support of their opposition through the testimony of 62 witnesses and numerous exhibits.[6]

Public Witnesses

General: The ten applicants, as a group, operate over a wide area extending from Colorado, New Mexico, and Texas on the west and southwest to the eastern seaboard from Florida to New England, and from the Gulf Coast on the south to Wis-

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[5] Where more than one counsel conducted direct examination of the witness credit is given to the carrier represented by the lead counsel presenting the witness.

[6] The evidence on behalf of protestants is set forth in Appendix D.

consin and the Canadian border on the north. Indeed the 933 public witnesses supporting these applications came from the four corners of this expansive territory, including two from Canada. To facilitate consideration of their evidence the witnesses have been grouped into a number of categories, in general according to the type of commodities they handle. The grouping itself is somewhat superficial, especially as some of the witnesses may handle freight in more than one category. The important point is that their testimony has been considered and evaluated. It is set forth in Appendix C.

A review of the testimony of these 933 public witnesses discloses that a substantial number of them had made no investigation of existing motor carrier transportation services available to handle their shipments. Many who supported an applicant for single-line service into its proposed new territory had not tried all of the existing single-line services available, nor had they used the joint-line service which that applicant had available to serve them. Many of the receivers of freight testifying as to their need for the proposed services of one or more of the applicants, heretofore had left the routing and selection of carrier services entirely up to their suppliers. Some stated that they would have no objection to trying the existing services now that they knew of them. Others indicated that while they were aware that other services were available they had made no effort to use them; and some stated that they had no interest in using a carrier that had not solicited their traffic, contending that the burden is upon carriers to inform shippers of their services through personal solicitation. The Commission has never accepted this view.

The failure of these shipper witnesses to investigate and try the existing carrier services available to them, or to show that such action would be useless as a means of meeting their transportation needs, reflects adversely upon the weight to be given their testimony. Certainly it indicates that the problems they

were experiencing with respect to their transportation services were not sufficiently important or serious to spur them to seek other carrier service prior to being requested to testify in this proceeding.

Aside from an indication of the nature and volume of their traffic, the testimony of such witnesses, who have no knowledge of the existing transportation services available to them and who are not in a position to testify as to the inadequacies of such service, is neither sufficiently probative nor substantial enough to be of value in determining whether the present or future public convenience and necessity require the additional services proposed.[7]

Public Need—Quantum of Service: Many of the shipper witnesses have experienced growth in their business in line with the population, economic, and industrial growth in the area involved in these applications, and for the immediate future they anticipate a continuing increase in the amount of freight they ship or receive. The transportation services and facilities in the area likewise have grown to meet these needs and the existing carriers have very substantial investments for the maintenance of such service. Appendix C discloses that these witnesses ship or receive a wide variety of commodities and that with but few exceptions they have a number of carriers of services available to them.

In analyzing the evidence of the public witnesses from a commodity standpoint, the only need shown for additional service relates to less-than-truckload shipments of commodities requiring refrigeration (including meats, candy and pharmaceuticals). Truckloads of these shipments generally are transported by carriers specializing in refrigeration service, or they move

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[7] *Warren Transport, Inc., Common Carrier Application*, 69 M.C.C. 241, 246 (1956); *Miller Extension—Poughkeepsie, N. Y.*, 61 M.C.C. 631, 637 (1953).

in private carriage. The handling of less-than-truckload freight of this type, however, poses a number of practical problems especially to general freight carriers, and many of them (including some of the applicants and protestants) do not offer that type of service, or have very limited facilities for handling such traffic. Some of the witnesses testifying as to their need for this service have not requested it from the general freight carriers serving their cities even though they provide it. One witness supporting an application on the basis of a proposed daily pickup of its less-than-truckload shipments requiring refrigeration, previously had made arrangements with one of the protestants whereby that carrier would pickup its less-than-truckload shipments once a week rather than daily, and that service proved to be mutually beneficial. It is possible that with a more cooperative effort and better communication between the shippers and carriers the existing carriers can answer the needs for this service and eliminate or minimize difficulties in providing it. In any event, the evidence of the need for additional service in this limited area is neither sufficient to support a grant of general commodity authority nor adequate to make a determination that the volume of such freight will sustain that type of operation by one or more of the applicants.

The evidence further shows that shippers of commodities requiring the use of flat-bed trailers may not always be able to obtain such equipment immediately upon request. However, there is no indication of unreasonable delay and no showing that the existing carrier services cannot handle the volume of freight available with reasonable dispatch.

Geographically, there is a multiplicity of single-line and joint-line service between major points within the areas involved in these applications. As noted in other portions of this report some of the applicants now offer single-line service between points which other applicants are here seeking authority to institute new single-line services; and the joint-line services avail-

able between these applicants virtually blanket the area insofar as any substantial volume of freight may be involved.

Single-line motor carrier operations by general commodity carriers between Atlanta and or Birmingham on the one hand, and, on the other, Dallas, include those of ETMF, Roadway, Gordons, Transcon, Braswell, Mercury Freight, and Herrin (now merged into McLean). Between Atlanta and or Birmingham on the one hand, and, on the other, Houston most of these same carriers and Ryder are authorized to operate. Between Atlanta and or Birmingham on the one hand, and, on the other, Jackson, Miss., such carriers as Deaton, Dixie, Campbell Sixty-Six, Braswell, West, and Ryder operate. Between Atlanta and or Birmingham and New Orleans Johnson, Dixie, Baggett, West, Deaton, and Campbell Sixty-Six operate. Between Atlanta and or Birmingham, on the one hand, and, Kansas City on the other, single-line service is offered by Watson-Wilson, T.I.M.E., Gordons, Campbell Sixty-Six, and Transcon. Between Mobile and various points in Mississippi, Louisiana and Texas there are such carriers as Red Ball, Herrin, West and Johnson. Between Atlanta and or Birmingham on the one hand, and, on the other, Oklahoma City and Tulsa there are such carrier services as T.I.M.E. and Transcon. These carriers also are authorized to serve many additional intermediate points and to provide single-line services as heretofore stated between substantially all the major cities and communities in the area involved in these applications particularly in the States of Alabama, Mississippi, Louisiana, Arkansas, and Texas. Other single-line services are available between the Houston and Dallas areas on the one hand, and various points in Louisiana, Mississippi, and Arkansas on the other. In addition, it will be observed from Appendix D that there are numerous single-line services between points in the east and midwest on the one hand, and, on the other, the Dallas, Houston, New Orleans, Baton Rouge, Little Rock, Memphis, and Gulf Coast areas.

The applications of three of the applicants admittedly represent efforts by them to keep pace with any realignment of existing motor carrier operational patterns, it being their position that if the Commission grants any of the applications, theirs also must be granted in order for them to survive and remain viable competitive carriers in the area. Two of these applicants on brief urge that the Commission find that the evidence fails to show a need by the shipping public for the services of any of the applicants, and further any need for motor carrier service expressed by the public witnesses can be met by full utilization of existing carriers including those authorized to perform additional services in the involved territory following the closing of this record. We believe that the evidence fully warrants such a finding.

Public Need—Quality of Service: Most of the public witnesses supporting the applications expressed varying degrees of dissatisfaction with their existing services. Their complaints embrace poor tracing and claim service, interline difficulties, loss and damage, refusals to handle shipments, inconsistent and excessive transit time, poor pickup service, and desire for single-line service. The entire scope of these complaints fall upon both applicants and protestants, as well as upon other carrier services which the witnesses use. For example, witnesses supporting one particular applicant often complain of poor service by other applicants as well as by protestants and other carrier services. The record discloses that many of the witnesses supporting an applicant for an extension of its operation have not used the service of the applicant, either in single-line or in joint-line service although the applicant is authorized to serve the witness's shipping or receiving facility. Some of these major complaints are discussed under separate portions of this report.

The complaints of the supporting witnesses with respect to loss and damage, claim handling, and tracing problems, are, in fact, minimal. The crux of such complaints is that single-

line service minimizes these difficulties, and with that conclusion there appears to be little argument. These are problems common to all carrier services and which carriers struggled to overcome. The evidence does not warrant a conclusion that any of the applicants will perform a materially superior service in these respects than the other carriers operating in a particular area.

The record contains evidence of carriers refusing or failing to perform properly under their certificates. Included in such failures are some of the applicants as well as some of the protestants. These incidents include what appears to be action in the nature of an unauthorized temporary embargo in an effort to overcome some traffic imbalance or remedy an equipment distribution problem; some involve a freight selectivity by a direct suggestion that the shipper use other carriers or by various tariff restrictions or delayed pickup service. While these practices are not widespread and some only temporary, none of them is to be condoned. To the extent that carriers may be failing properly to perform under their certificates and under the terms of section 216(b) of the Interstate Commerce Act, remedies are available other than the granting of authority to more carriers. We do not believe that authorization of additional carrier services in a area served by an adequate number of carriers fosters sound economic conditions in transportation; nor is it the only way to minimize the service failures and improve service to the public. Where complaints of these failures have been made to the carriers or proper authorities, remedial action has been taken.

The evidence does not warrant a finding that the general quality of service of the applicants, or any of them, is sufficiently superior to that of the existing carrier services to support a conclusion that the public convenience and necessity require the operation proposed.

Schedules—Transit Time[8]

One of the primary points sought to be established by applicants as a basis for granting their respective applications is that the shippers and receivers of freight moving to, from, or between points in the areas here in question are dissatisfied with the length of time it takes for the transportation of their goods and with the inconsistency of the transportation services used. Faster and more dependable service will enable them to reduce costly inventories, better maintain production schedules, and to meet customer demands. Certainly shippers are entitled to transportation services which will enable them to move their merchandise or replenish their stock with the least delay and inconvenience consistent with economically and efficient operation of all transportation agencies serving their localities.

The applicants propose certain service standards or schedules for the operations they intend to offer the public under their respective applications.[9] Without restating these various pro-

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[8] Throughout the hearing the terms "elapsed time from billing date" or "between billing dates" were used when evidence was presented pertaining to the time that freight was in transit as determined by delivery receipts showing the carrier's freight bill date and date of delivery of the freight to the consignees or connecting carriers or the latter's billing date. Witnesses for the carriers testified that in most instances the billing date would be the actual date the freight was received for transportation. For the purposes of uniformity Saturdays, Sundays and holidays are excluded from the elapsed calendar days unless the freight was actually picked up or delivered on one of those days. It is recognized that to some extent this practice distorts the performance records of the carriers who do conduct some operations over the road on weekends and holidays. Throughout this report unless otherwise indicated reference to schedules or transit time embraces this concept and also refers to less-than-truckload freight.

[9] Deaton, an irregular route carrier, is not proposing scheduled service. However, the testimony indicates that on the basis of a contemplated minimum volume of freight being available, shippers could reasonably count on second or third day service between most of the points proposed to be served and first day service between some of the nearer points.

posals in detail the applicants here are proposing in general first and second day service between Atlanta and Birmingham, on the one hand, and, on the other, the Mississippi, Arkansas, Louisiana, Texas and Missouri points involved in these applications. Some of the applicants also offered evidence of schedules they propose between points on their existing routes and points on the proposed new routes.

A great deal of evidence was offered by certain of the applicants intending to show that the schedules they propose are feasible and that they are capable of performing such service for the public. Protestants on the other hand testified that certain of the applicants' schedules are not feasible and used the applicants' own evidence as well as other evidence of their operations to show that the actual operations of applicants over similar distances in some instances will not support the practicality of some of the schedules proposed. The anomaly of the situation is emphasized by the fact that most of the applicants also are protestants and in some instances one applicant has seriously questioned the feasibility and practicality of the schedules proposed by other applicants.

A major portion of the public witnesses testifying on the behalf of the various applicants voiced some degree of dissatisfaction with the length of time required for the transportation of their shipments or with the inconsistence of the service. Many of the public witnesses so complaining of slow and inconsistent service submitted abstracts of freight bills showing service they have received from some of the carriers used, including applicants, protestants and other carrier services. In some instances these bills were selected specifically to show poor service, or the abstracts were prepared from records of shipments upon which there had been some difficulty. In other instances they comprised only a few shipments made over a very extensive period of time; and in some instances the bills represented substantially all shipments in a given period be-

tween certain points or areas. It was not unusual for the witnesses to have permitted the applicant they supported to select the bills and prepare the abstracts. The transit time studies of these public witnesses reflect many instances of poor transportation service by protestants, applicants, as well as other carriers. They also reflect instances of good service.

Some of the public witnesses acknowledge that their present transportation service is adequate and satisfactory, but testified that if their freight would be delivered consistently on the schedules proposed by the particular applicant they supported it would be an improvement over their existing service. Many of the public witnesses based their support of a particular applicant upon the service schedules proposed, and assuming a high degree of adherence to those schedules.

In many instances a public witness supporting one applicant was critical of the service of other applicants as well as some protestants. The same applicant carrier service has been both praised and condemned by different witnesses from the same locale, and in some instances a witness supporting a particular applicant has been critical of the service he has received from that carrier in the past.

The number of witnesses complaining of unsatisfactory transit time and inconsistency of service by the transportation agencies being used is impressive at first blush, but palls with analysis. While the many transit time studies of the supporting shipper witnesses reflect numerous instances of service deficiencies, the evidence also discloses that many of these same witnesses have made no investigation of the carrier services available nor experimented with the various combinations of available service to improve their transportation. Concerned shippers would hardly route their freight from the Carolinas to Dallas by way of Houston as reflected by some of the exhibits when much shorter routings are available; nor would they over

the years fail to specify routing of their shipments for either the single-line or joint-line services available to them. The importance of rapid transit time is questionable for some of the supporting shippers who make a practice of accumulating shipments for certain stores or areas for once-a-week or other periodic shipments. Little weight can be given to the testimony of some of the shippers supporting an applicant for faster transit time when the witness uses a combination of the slower water carrier service from eastern origins to the Gulf Coast and rail or motor service to destination; nor to those witnesses who have not tried the joint-line service of the applicant they are supporting nor have used the service of that applicant to the point it is now authorized to serve.

Almost every shipper is interested in getting his products to destination as economically and quickly as possible, and is inclined to support the application of any carrier who promises better service than he already has available. As the Commission has noted in other proceedings,[10] the number of shipper witnesses which an applicant can present at a hearing to testify that their service is inadequate appears to be governed largely by the energy put forth and the expense it is willing to incur.

A study of the many exhibits depicting the service performance of applicants and protestants discloses that in the main the carriers participating in these proceedings are substantial and responsible carriers. They all have substantially the same problems affecting pickups, checking, sorting, billing, and transporting the freight (including operation through break-bulk points as necessary to effect proper loading factors), unloading freight from the line-haul trailers, loading it into delivery trucks, and effecting delivery to the consignees or connecting carriers.

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[10] *Transamerican Freight Lines, Inc.—Purchase (Portion)—Allen Motor Lines*, 59 M.C.C. 695, 722 (decision reversed on other grounds 65 M.C.C. 163).

They all have experienced service failures in their operations. They all also can point to commendable service records.

Operating schedules and procedures are functions of management and are subject to change as economic, technological, and other circumstances and factors may dictate. Although motor common carriers have an obligation to transport the property tendered to them with reasonable promptness and with the exercise of reasonable diligence and care they are not guarantors of schedules. The testimony of the several shipper witnesses who supported certain applicants for their proposed schedules which would be of particular assistance to them in making emergency shipments (such as drugs or repair parts) must be weighed in the light of the practicalities involved. In the face of otherwise normally satisfactory service by existing carriers, demands for emergency service are not a sufficient basis to support a grant of authority to additional carriers.[11]

Notwithstanding the proposed schedules of any particular applicant, the record does not establish that applicants, or any of them, afford in general transportation services which are so superior to those of the existing comparable carrier services available to the shippers as to warrant a finding on that basis that public convenience and necessity require the proposed new services. Stated differently, the transit time studies of the participants in these proceedings, as a whole, and considering the circumstances under which they were made, do not warrant the conclusion that the existing carrier services are not reasonably adequate to meet the real needs of the shipping public.[12] The solution to the instances in which the public has been subjected

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[11] *M & M Fast Freight, Inc., Extension—General Commodities*, 68 M.C.C. 513, 519 (1956).

[12] Cf. *Terminal Transport Co., Inc., Ext.—Birmingham*, 103 M.C.C. 699, 714; *Hancock Trucking, Inc., Ext.—Gulf and West Coast Routes*, 62 M.C.C. 513, 535-536.

to poor transportation services in the circumstances here involved does not lie in the authorization of additional carrier services but rather in the exercise of more diligence and care by the carriers and shippers.

Single-Line vs. Joint-Line Service

Many of the witnesses support these applications for the purpose of obtaining single-line service in lieu of the multiple line services they are using. Their reasons for desiring single-line service are that it will improve transit time, avoid interchange delays, reduce damage by less handling, and improve claim and tracing experience by providing a single line responsibility.

At present the southeastern applicants interline their freight moving to or from the Southwest at the primary gateway points of Atlanta, Birmingham, New Orleans and Memphis, with some minor connections at such points as Mobile, Jackson, and Shreveport. The southwestern applicants interline their freight moving to or from southeastern and eastern points primarily at Memphis, New Orleans, and Dallas, and to a lesser extent, at Jackson, Shreveport, and Macon. To the extent that they can control or influence the routing of traffic the carriers generally seek to long-haul their interline freight to or from their most distant gateway. Thus the noted gateway points reflect to a significant degree the long-haul terminal points of these applicants, other than Roadway. Under their respective proposals the southeastern applicants seek to break through their existing gateways to Dallas and Houston (and Bowman also to Kansas City), and conversely the southwestern applicants seek to break through their existing gateways to Atlanta and Birmingham.

Starting with the assumption that normally an interchange of less-than-truckload freight adds a day to the time a shipment is in transit, these witnesses favor elimination of that delay. At

times the delay may be longer, especially if the originating carrier encounters difficulty in effecting the interline. They also complain that tracing shipments is more difficult and slower when the origin carrier must attempt to locate shipments through its connecting carriers. The same situation prevails with respect to the handling of claims. Several of the witnesses testified that their products are susceptible to damage through excessive handling and for that reason they desire to have available as much single-line service and to as many points as possible.

A great majority of the supporting witnesses express preference for single-line service and we recognize that in the absence of other factors single-line service has a number of potential advantages and fewer operational problems than joint-line service and normally is more satisfactory. We note, however, that a number of the witnesses favoring single-line service use joint-line service even though single-line service is available. At times this is done in an effort to divide the traffic among the carriers serving the particular shipper. Sometimes it is the result of giving the first carrier arriving all of the freight available regardless of destination as a means of clearing the loading platform. Sometimes it results from a preference of the shipper to use a particular local carrier to originate all of its freight even though there are numerous other carriers authorized to serve the shipper, many offering single-line services. Some of the other witnesses favoring single-line service do not route their freight, leaving it up to their suppliers or others, and some have made no investigation of the services available to them. A number of the witnesses support two applicants, each for single-line service, but have not tried the joint-line services offered by them either together or with other carriers. Such evidence although indicating a possible preference for single-line service is not sufficient to support a grant of additional carrier authority.

Some of the witnesses seek to reduce the number of participating joint-line carriers handling their freight; for example, reducing their service from three line to two line services. Often these witnesses have two-line service available which they have not tried or are not using. Others seek merely a change of the interlining gateway point from one locality to another. In this connection some witnesses want to route their freight over the Atlanta gateway, rather than over the Memphis gateway which they are using, because of purported heavy freight congestion at Memphis. Others wanted to avoid the Atlanta gateway as an interline point because of its purported congestion. The testimony of a number of these witnesses indicates that they were under the impression that the proposal of the applicant which they support would offer a single-line service whereas in fact the service would remain joint line even though the application be granted.

The carrier proposals to some extent involve contemplated improvement of service between smaller towns and communities, on the one hand, and, on the other, the larger supply and distribution centers. Depending upon the particular applicant supported the evidence of many witnesses relate to service between the smaller communities in the Southwest and the distribution and supply centers of Atlanta and Birmingham; or between many of the cities, towns and communities in the East and Southeast and the supply and distribution centers of Dallas and Houston. As an example Red Ball, Herrin and Jones serve many of the smaller communities in the Southwest and seek authority which will permit singleline service between these communities and primary supply and distribution points of Atlanta and Birmingham. On the other hand, Johnson serves many communities in the East and Southeast and describes the basic purpose of its application as being to provide an overhead single-line service between those areas and the primary supply and distribution points in the Southwest, working closely with connecting carriers on joint-line traffic. Bowman and Roadway

also suggest that their present broad territorial coverage would provide new single-line services for many shippers and to many areas.

The result is that these applications involve the extension of operations by some applicants into areas normally served by other applicants, as well as by numerous other carriers including protestants. For example, Roadway (as well as a number of the protestants) now provides single-line service between Atlanta and/or Birmingham, on the one hand, and, on the other, Dallas, Fort Worth, Houston and other Texas points. The other applicants are here seeking such authority. Applicant Johnson now provides single-line service between Atlanta and east coast points, on the one hand, and, on the other, such points as Mobile, Pensacola and New Orleans.

Applicant Roadway here seeks authority to perform that service. Applicants Johnson, Baggett and Deaton now provide single-line service between Atlanta and/or Birmingham, on the one hand, and, on the other, New Orleans, which authority applicants Herrin, Red Ball and Strickland would obtain under their proposals. Applicant Bowman now provides single-line service between Atlanta and Birmingham and applicant Deaton between Birmingham and certain Mississippi points. Applicants Jones, Strickland and Red Ball here seek such authority between Atlanta and Birmingham, and applicants Bowman, Johnson, Red Ball and Strickland between one or both of those cities and certain Mississippi points.

While these examples do not purport to represent all of the instances in which one applicant seeks authority to duplicate the single-line service of another applicant, they will suffice to illustrate the fact that in many instances witnesses supporting one applicant for single-line service have available the single-line services of other applicants. In addition there are single-line services of a number of protestants and other carriers. For

example, in addition to applicant Roadway providing single-line service between Atlanta and Dallas, there are also such other carriers as ETMF, Gordons, Transcon and T.I.M.E.[13] Between Atlanta and Houston in addition applicant Roadway ETMF, Ryder and Transcon provide single-line service.[13] Between Atlanta or Birmingham and Jackson, Miss., single-line service is provided by Dixie, Deaton, Ryder, West (from Birmingham only), Campbell Sixty-Six, Braswell, and Gordons although the latter's route is circuitous. Between Birmingham and Baton Rouge single-line service is provided by Ryder, Campbell Sixty-Six, Mercury Freight and Braswell (subsequent to the hearing). There are many other single-line services available between other points involved in these proceedings as for example, Transcon, Watson-Wilson, Gordons and Campbell Sixty-Six between Kansas City and Atlanta; Transcon and T.I.M.E. between Atlanta in the Southeast and Little Rock, Tulsa and Oklahoma City; ETMF and Ryder between Atlanta or Birmingham and Shreveport; and Mason & Dixon, Consolidated Freightways, T.I.M.E., Transcon, ABF, Viking, Jack Cole and ET&WNC between points in the East and Midwest, on the one hand, and, on the other, various points specified in these applications.

A number of the witnesses testifying in support of single-line service were from small communities located some distance from the larger production and distribution centers. The plan for less-than-truckload service at these communities generally calls for operation through at least one break-bulk terminal even though the service be single-line. This is dictated by the economic practicalities of operations and understandably involves some delay in transit. Most of these witnesses admittedly use a substantial amount of joint-line service to reach many points and areas throughout the country. Their interests in

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[13] Since the close of the hearing Herrin, Braswell and Mercury Freight also obtained authority to operate between Atlanta and Dallas and Atlanta and Houston.

these applications is to obtain as much single-line service as possible.

The evidence also discloses some instances in which carriers authorized to perform a single-line service between certain points, in practice interline the freight with other carriers. This is done by some of both protestants and applicants for various reasons but primarily because the small volume of freight involved does not economically justify the operation. In general there are smaller local carriers operating between the normal distribution terminals of the line-haul carriers and the particular smaller points involved, performing a daily service. Also in some instances one of the applicants performing an intensive service in a particular area has been used in joint-line service by other carriers with authority to serve the particular point in question single-line. It is reasoned that the public is served better by interlining the freight to these local carriers who perform a daily service rather than holding it to accumulate a sufficient volume to warrant single-line service. It is also reasoned that this practice is beneficial in enabling the local carrier to have a sufficient volume of freight to maintain its operations. Generally, the volume of traffic moving to or from a point dictates the service which can be offered profitably.

We recognize that carriers must operate in an efficient and practical manner in order to be able to provide a service capable of meeting the transportation needs of the public generally. The extent to which carriers may hold out to the public a single-line service but render a joint-line service is not here in issue. In the event authorized carriers are failing to perform properly under their certificates and pursuant to the provisions of the Interstate Commerce Act[14] procedures other than authorizing additional carrier services between the points are available to remedy that situation. Nevertheless the evidence

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[14] 49 U.S.C. 316(b).

of this practice is relevant and is given consideration in reaching our conclusions.

The key to applicants' ability to perform and sustain the services proposed for witnesses at many of the smaller towns lies primarily in developing a volume of freight moving between the major cities, namely between Atlanta and Birmingham in the Southeast and Houston, Dallas, Fort Worth, Tulsa, and Kansas City in the Southwest and Midwest. As has been noted single-line services are now available between many points in this area, particularly between the larger cities, and in addition there are available many connecting line services to meet the needs of the shipping public, including the joint-line services available between these applicants. To the extent the testimony of the witnesses is based largely upon the proposition that to the disregard of other considerations single-line service should be made available to them we need only refer to the position of the Commission as stated in other cases that the national transportation policy does not tolerate the proposition that all shippers at all points are entitled to single-line motor carrier service.[15] This is particularly true in a proceeding embracing the extensive geographical area of these applications, both individually and collectively.

The evidence fails to establish a need for the additional single-line services as proposed by the applicants, or any of them, in these proceedings. Neither does it warrant the realignment of traditional traffic patterns and competitive relationships among the existing carrier services as may result from the proposals. To the contrary, the conclusion is warranted that the addition of more single-line services to transport small less-than-truckload shipments between the smaller communities and the production and distribution centers will result in dilution

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[15] *Hancock Trucking, Inc. Ext.—Gulf and West Coast Routes*, 62 M.C.C. 513, 535.

of the freight available for the existing carriers and may adversely affect the quality of services of all of the carriers now operating in the area.

Pickup Service

An appreciable number of the witnesses supporting certain applicants complain of poor pickup service by the motor carriers being used. These complaints embrace the applicant carriers as well as protestants and other carrier services. In some instances their difficulties appear to result from their limited dock facilities or their location in congested areas with little or no space available for carriers to await their turn. These difficult physical conditions require special handling, particularly where unreasonable delay of the equipment and driver may be involved or undesirable or unlawful traffic congestion may result. Some shippers and carriers have solved this difficulty by scheduling pickups as well as deliveries when such conditions exist.

Some witnesses complain that certain carriers which serve them have removed them from their regular daily pickup schedules making it necessary to call the carriers for pickup. The evidence discloses that the carriers normally make daily pickup calls on their regular shippers, but if their service is being used only sporadically, pickups are scheduled only upon a specific call from the shipper. That practice appears adequate and economically sound.

Some of the shippers complaining of unsatisfactory pickup service by one carrier have adequate and satisfactory services by other carriers which often are their preferred carrier services. Some of these complaints are without substance, and some involve isolated pickup failures which may occur to any carrier. In some instances the complaining witness has an

early closing hour for his platform employees making it difficult to effect the pickup particularly if the call for service should be late; and some of the witnesses complain of failure of their carrier services to make more than one pickup a day at their place of business.

Some of the complaints of poor pickup service really relate to other basic difficulties the solution of which lies in procedures other than authorizing additional general freight carrier services as here proposed. For example, shippers of furniture have complained that they have experienced difficulty in getting general freight carriers to pick up their shipments especially when destined to off-line points. The carriers explain their reluctance to pick up such shipments because of the difficulty they experience in finding a connecting carrier willing to accept the shipment for transportation to destination. Other shippers of articles which may be regarded as somewhat undesirable freight experience difficulty in getting prompt pickups. Often these difficulties can be overcome by cooperation between the shippers and the carriers and an understanding of the practical problems involved in handling such freight. Of course shippers or receivers of such articles are enthusiastic supporters of applicants who promise to give them a regular and consistent scheduled service for their undesirable freight.

Unquestionably the record contains instances of poor pickup service by both applicants and protestants. Some of it occurred during a period when one of the protestants was merging into it another carrier operating in the area here involved and consolidating the terminal facilities of the two carriers. In this record the pickup service of the same carrier (including that of both applicants and protestants) has been criticized as well as praised by different witnesses. A number of the witnesses testified that their pickup service improved after they complained to the appropriate carrier officials. Their experience suggests and warrants the conclusion that the existing carriers

are not apathetic to the shortcomings of their services and are responsive to the needs of the shippers as well as the exigencies of competition.

Adverse Affect on Existing Carrier Services

The interests of existing carrier services must be carefully considered in determining whether additional grants of operating authority are warranted. Normally existing carriers should have an opportunity to show that they can render adequate service and also the opportunity to transport all of the traffic they can handle adequately and efficiently in the territory they are authorized to serve without the competition of new operations.[16] While special circumstances at times may warrant departure from the norm as stated we find no reason here for such departure. The existing carrier services have substantial investments in their motor carrier properties and have increased their facilities and services with the growing needs of shippers in the areas they serve. In some of the areas here involved certain protestants have received additional operating authority since the close of this hearing as we have noted.

The very serious adverse affect which these 10 extension applications collectively may have upon the existing carrier services is noted in Appendix D. It is difficult to predict accurately the effect that approval of any one of the applications may have upon any single existing carrier, but the evidence leaves little doubt that some of the smaller carriers likely could not survive if certain of the applications were granted. For example, Holloway which receives 71 percent of its operating revenue from one account that is here supporting one of the applicants for service duplicating that of Holloway, is faced with a pos-

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[16] *Eazor Exp. Inc. Extension—Alternate Routes*, 89 M.C.C. 345, 351 (1961); *Garrett Common Carrier Application*, 83 M.C.C. 795, 798 (1960).

sible diversion to that applicant of all of its westbound and most of its eastbound freight notwithstanding the admission of the shipper that Holloway's service is adequate and satisfactory. The entire operations of Red Line would be seriously threatened by the grant of these applications; in fact a grant of the Strickland application alone could put Red Line out of business. United, operating only between Atlanta and Birmingham, is completely vulnerable to diversion.

Gordons' traffic is exceedingly susceptible to diversion from these applications as noted in Appendix D, page 21, including virtually all of its traffic at certain of its terminals. Overall 54 percent of all shipments handled on its entire system in 1966 would be subject to diversion, representing 54.6 percent of its tonnage and 58.5 percent of its operating revenue. Braswell's operations threatened by these applications represent over 25 percent of its tonnage producing about 16 percent of its operating revenue ($1.98 million). Fifty-two percent of the combined revenues of Jack Cole and Dixie are involved in these proceedings as are 12 to 14 percent of the operating revenues of MR&R. A major portion of the freight handled by Campbell Sixty-Six would be subject to diversion including freight moving to or from each of its terminals.

Further reviewing Appendix D it will be observed that Ryder's operations (not including those of Harris) subject to diversion represent approximately $7.5 million of its revenue per year; Transcon approximately $13 million; Herrin $2.7 million; Mason & Dixon $2 million; Viking $2.8 million; Watson-Wilson $1 million; Consolidated Freightways $1.9 million; T.I.M.E. $8 million; ABF $1.6 million; Eagle $1 million; Deaton $3 million; and Floyd & Beasley and Southwestern Transportation about $215,000 each. Approximately 8 percent of Roadway's total shipments are subject to diversion by these applications and a large portion of the interline freight of Pilot at its Atlanta terminal would be affected. The evidence shows

that from 200,000 to 300,000 pounds of freight transported daily by GFA is subject to diversion. Approximately 18 million pounds of the freight handled by Mercury Freight in 1966 would be subject to diversion as would over 36 million pounds handled by A&H and 270 million pounds by ETMF. Other trucking companies estimate possible diversion of their freight by these applications as follows: Ellis Trucking Co. 2 million pounds per month; Southern Forwarding Co. 168,000 pounds per month; Mid-South Transports over 100,000 pounds per month; ET&WNC approximately 24 million pounds per year; Mercury MX approximately 3.5 percent of its operating revenue; Mercury Motors approximately $23,000 in revenue per year; and Wilkerson Freight Lines from 45 to 60 percent of its total freight. Other protesting carriers have freight subject to diversion which is important to their operations.

Not only is the possible diversion of such large quantities of freight posed by these applications but they also involve possible adverse affects through a further imbalancing of the traffic flow of these carriers. While the evidence does indicate a few isolated areas involved in these applications where a grant of a particular application may not seriously affect the existing carrier services, it cannot be found as to those areas that the proposed additional services are required by the present or future public convenience and necessity.

The overall affect of these 10 applications upon the existing carrier services is reflected by an opening statement of counsel on behalf of two of the applicants noting that these applications propose significant alterations in the interline relationships among carriers, in competition for existing traffic, and in the pattern of motor carrier service in the South and Southeast. The granting of any or all of the applications will affect (1) service to the public in a broad and economically important area of the country, and (2) the efficiency and economy of the motor carrier operations conducted by applicants and other carriers

in this area. While fully aware of the need to avoid monopolistic tendencies in evaluating the existing motor carrier services in order to encourage competition, innovation, and improvement of service to the public, yet this need must be balanced against the wasteful duplication of services and the creation of excessive capacity that would adversely affect the continuance of efficient operation by the existing carrier services.

The evidence warrants the conclusion that the benefits which may be realized by some few of the public witnesses supporting any of these applications are far outweighed by the serious adverse effect the granting of these applications, or any of them, may have upon existing carrier services.

The Roadway Application

The Roadway application differs from the others in that it does not involve operations between the Atlanta-Birmingham areas, on the one hand, and the Houston-Dallas areas, on the other. Roadway already holds that authority. Instead, Roadway seeks to extend its present network of routes south from Montgomery to Pensacola, Fla., Mobile, Ala., and New Orleans and Baton Rouge, La., serving all intermediate points along the routes (restricted as noted in Appendix A-II).

In No. MC-F-10178, *Roadway—Control—West Bros.* (not printed), decided June 26, 1969, the Commission approved Roadway's application to control West Bros., a protestant in this proceeding, with the understanding that an application to merge the two carriers will be filed as the tax writeoff advantages have been depleted. The West operating authority includes substantially all of the authority sought by Roadway with the exception of authority to serve Pensacola, Gonzales, and Cantonment, Fla., intermediate and off-route points between New Orleans and Baton Rouge, especially Plaquemine, and authority

to operate over a route between New Orleans and Baton Rouge. The latter point is included in West's certificate No. MC-3009 (Sub-No. 57), dated September 26, 1969 and is to be served by routes extending from Memphis, Jackson and Hattiesburg, but not from New Orleans. Roadway urges that it is vitally interested in prosecuting its application to the extent the authority sought is not duplicated by that of West Bros.[17]

Some of the witnesses supporting the proposed new service to or from North Florida points ship or receive very substantial quantities of freight. Without attempting here to again review the evidence of each of these witnesses it is sufficient to note that the north Florida points are served by a number of carriers including GFA, Mercury Motor Express, Mercury Freight, MR&R, Howard Hall, Herrin, Johnson and Bowman. Single-line service is available to the eastern and northeastern areas of the country and for the most part it seems to be reasonably satisfactory to the witnesses who testified. In many instances the witnesses had not tried some of the services available to them and their support of the Roadway application was based primarily upon a desire for as much single-line service as could be made available and upon their preference for the Roadway service.

Between the midwest States and the north Florida points the transportation service is mostly joint line. Again the complaints against the existing services involve extensive transit time, difficult tracing on multiple line hauls, delays and damages resulting from interline, and most especially a desire for single-line service with its natural advantages. However, there are an abundance of joint-line services available and the freight moving to or from the north Florida points is very important to the car-

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[17] The creation of duplicate operating authorities in carriers under a common control is not normally approved. *Dealers Transport Co. Extension—Willow Run*, 48 M.C.C. 199; *Fleet Lines, Inc.—Control—Osbourn Trucking Co.*, 58 M.C.C. 748.

riers serving that area. For instance, Howard Hall in 1966 had operating revenues of about $3.77 million of which $405,000 was derived from freight moving between its Birmingham and Pensacola terminals. Revenues on freight moving between its Atlanta and Pensacola terminals constituted 12 percent of the 1966 revenue of MR&R Trucking Company, and 14 percent of its revenue during the first five months of 1967. In 1966 Mercury Freight interlined 1,494 shipments weighing 2.4 million pounds to Roadway at Birmingham and received from Roadway 7,588 shipments weighing almost 5 million pounds, most of which were moving to or from its Pensacola and Mobile terminals. GFA interlines a very large amount of freight with Roadway at Atlanta, much on a trailer exchange basis. Its only difficulty in handling such freight has been an occasional equipment shortage on the part of Roadway at Atlanta.

These carriers hold out a first day service between Pensacola, on the one hand, and Atlanta and Birmingham, and meet that holding out for a very substantial portion of their shipments. They experience a heavy imbalance of freight southbound and need all of the northbound freight they can get. For example, in the first six months of 1966, Mercury Freight dispatched 86 empty vehicles from Pensacola for lack of freight. Diversion of the available freight from the existing carrier services will have a serious adverse effect upon a number of them.

We must conclude that in the circumstances applicant Roadway has failed to show that the present or future public convenience and necessity requires the services it proposes to and from North Florida points.

Through the control of West, Roadway has gained entrance to the Mobile and New Orleans areas serving intermediate points, and as previously noted to Baton Rouge through the Memphis, Jackson and Hattiesburg gateways, but not through New Orleans. The testimony of witnesses supporting service to

or from Baton Rouge relates to freight which would or could be moved through these West gateway points. The freight moving between the Baton Rouge area on the one hand, and, on the other, points in the midwestern, eastern and New England areas to a considerable degree is routed through the Memphis gateway. This also is true with respect to freight from the Middle Atlantic area and the Carolinas although it may also move over the Atlanta or Birmingham gateways and thence through Mississippi and to some extent through New Orleans. In any event operation through New Orleans is not necessary. In fact, some of the witnesses specifically want to avoid having their freight move through the New Orleans gateway which they consider to be too congested.

Although there may be a convenience and flexibility of operations which Roadway would gain in having available a route from New Orleans to Baton Rouge, this record does not support a finding that such a service is required by the present or future public convenience and necessity. Neither has the proposed service at intermediate points on such a route been shown to be required by the present or future public convenience and necessity. The primary witness in this respect is a large shipper at Plaquemine who supported the Roadway application. The shipper is presently served by Gordons, Herrin, Red Ball, Ryder, Saia, Missouri Pacific Truck Lines and Consolidated Copperstate. Poplarville Trucking also serves the community and more recently Mercury Freight has received authority to serve Plaquemine. This witness proposes to continue to use the joint-line services which these carriers offer in conjunction with their respective connecting lines. His support of the Roadway application is for the purpose of obtaining additional single-line service as a means of securing faster transportation, reducing damage and contamination, and speeding tracing service.

The quality of the service which this witness has been receiving especially with respect to transit time is included and con-

sidered in the general discussion under that topic heading. The evidence discloses some very good service on inbound shipments as well as much that appears to fall below the standards which the carriers have prescribed for themselves. This situation prevails as to both the various applicants and the protestants who are involved in serving this witness. Gordons is one of the primary delivering carriers for this witness. A large portion of the shipments handled are received from other carriers. An analysis of the exhibits depicting Gordons' inbound services indicates a 71.7 percent on-time performance from Chicago to Plaquemine, with an additional 20.7 percent of the shipments being only one day late under Gordons' standard. Its service from Memphis to Plaquemine however, indicates only a 47.5 percent on-time delivery, an additional 29.5 percent one day late, and 23 percent over one day late. Although the witness is a major shipper of products outbound from the area, data with respect to its outbound service is not of record.

Again there is a heavy imbalance of traffic southbound and any dilution of the available northbound traffic may impair the services of existing carriers. Considering the amount of motor common carriers service available, its quality, and the adverse effect upon these services that may result from a grant of the Roadway application for service at intermediate points between New Orleans and Baton Rouge it is necessarily concluded that there also is no showing that the present or future public convenience and necessity requires this proposed service.

Petitions—Motions

Following the closing of the hearing a number of parties filed petitions and motions seeking some specific relief or further action. The motion of Georgia-Florida-Alabama Transportation Co. (GFA) dated September 30, 1968, to withdraw its protest to the Bowman application is granted. GFA remains a

protestant to the applications of Herrin, Roadway, Red Ball, Floyd & Beasley, Strickland and Baggett.

Protestants Campbell Sixty-Six and Gordons filed a petition dated April 17, 1968, urging that the Commission reopen the Strickland application (MC-59680 (Sub-No. 147)) for the limited purpose of receiving additional evidence pertaining to the proposed schedules of Strickland. Specifically petitioners ask to have received in this record testimony of a representative of Strickland given April 1, 1968, in another proceeding before a joint board with respect to service between Houston and New Orleans (applications Nos. MC-2229 (Sub-No. 131), Red Ball Motor Freight, Inc.; MC-87511 (Sub-No. 11), Saia Motor Freight Line, Inc.; and MC-111383 (Sub-No. 17), Braswell Motor Freight Lines, Inc.). This testimony notes that it takes from 4 to 6 hours to strip a trailer of less-than-truckload freight and that trailers of such freight must arrive at either New Orleans or Houston not later than 5:30 a.m. for less-than-truckload freight to be stripped, sorted, segregated, routed and loaded in city units so that any substantial amounts may be delivered the day of arrival. It is alleged that this is incompatible with the proposals submitted by Strickland as an applicant in this proceeding as set forth in Appendix D to its Exhibit No. 38 listing proposed regular schedules to and from major points in its application No. MC-59680 (Sub-No. 147), in that in some instances those schedules propose same day deliveries of freight arriving at the terminal as late as 11:49 a.m., 12:15 p.m. and 12:50 p.m.

These arrival times do not relate to deliveries at either Houston or New Orleans. Specifically, they relate to deliveries at Texarkana, Ark. (arrival time 12:50 p.m.), Atlanta, Ga. (arrival time 11:49 a.m.), and Birmingham, Ala. and Dallas, Tex (arrival time 12:15 p.m.). The testimony therefore in the Houston to New Orleans proceeding is not in itself contradictory of the schedules proposed herein. Furthermore the Strick-

land witness in this proceeding is not the same person as the Strickland witness in the Houston to New Orleans proceeding. In addition the Strickland witness in this proceeding was cross-examined upon these particular schedules. As to the compatibility of the testimony in the Houston to New Orleans proceeding with the proposed schedules herein, the present record contains sufficient data with respect to carrier practices in the terminal handling of freight, and the pickup and delivery services and practices of the applicants to reach appropriate conclusions without the need of any further data. In these circumstances the receipt of additional evidence is not warranted and the plea of protestants will be denied.

A number of parties to these proceedings filed pleadings seeking leave to file supplementary briefs for the purpose of having the examiners take notice of the Commission's actions subsequent to the close of this record in several proceedings involving some of the applicants and protestants in which the issues therein have some bearing upon the issues in this consolidated proceeding. Johnson Motor Lines replied to these pleadings. The Commission properly may take notice of its actions and findings in other proceedings (although not of the evidence contained in those records)[18] and of the outstanding certificates it has issued.[19] The examiners accordingly have taken notice of the Commission action and of certificates issued in certain proceedings as reflected in this report. No useful purpose therefore will be served by adding these pleadings in this already voluminous record. Accordingly, except for the foregoing discussion, no further consideration will be given to those pleadings.

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[18] *Ayers Extension—Cheyenne, Wyo.*, 99 M.C.C. 795, 797 (1965); *Consolidated Freightways, Inc.—Purchase—Revmers*, 36 M.C.C. 623, 625 (1941).

[19] *Liquid Carriers, Inc. Extension—Liquid Alum*, 72 M.C.C. 285, 287 (1957); *West Brothers, Inc. Extension—Baton Rouge, La.*, 108 M.C.C. 485, 489 (1969).

Braswell Motor Freight Lines, Inc., and Campbell Sixty-Six Express, Inc., filed a joint petition to reopen the proceedings for further hearing to present evidence of certain facts occurring since the close of the hearing. Specifically Braswell wants to present evidence that the validity of its certificate No. MC-111383 (Sub-No. 16) which is noted in Appendix 1 to its Exhibit No. 1977 authorizing extension of its operations between Jackson, Miss., and Atlanta, between Birmingham and Atlanta, between Tuskegee, Ala. and Atlanta, and between Opelika, Ala. and Columbus, Ga., has been upheld by the courts, and that it instituted operation thereunder September 3, 1968. It further is desirous of introducing evidence of such operation, its increased facilities, solicitation program, and its need for additional traffic in connection with those new operations.

Campbell Sixty-Six proposes to introduce evidence of its certificate No. MC-75320 (Sub-No. 106) issued February 26, 1969, authorizing extension of its operations between Birmingham and Atlanta in connection with traffic originating at, destined to or interlined with other carriers at authorized service points on its regular routes in Mississippi and Missouri except Gulfport, Miss., Kansas City and St. Louis, Mo., and points within the commercial zones of each. It also wants to introduce evidence of operations being conducted under that certificate, the new single-line services it is now performing, its additional facilities and equipment, its solicitation program, and its need for additional traffic. Applicants Johnson, Bowman, Red Ball and Herrin replied to the petition.

It is not unusual that in a lengthy proceeding such as this considerable time passes before a final order is reached during which circumstances and conditions may change. It is therefore necessary that the Commission exercise its discretionary power to reopen such lengthy proceedings to receive evidence of changes with extreme care, otherwise the administrative

process may never achieve a just and effective conclusion.[20] Notice of the status of the two certificates has been taken by the examiners, and a further hearing for the purposes proposed is neither necessary or desirable. Findings can be made properly upon the original record and they will not be altered by the receipt of the proposed additional evidence.[21] In these circumstances the joint petition of Braswell and Campbell Sixty-Six to reopen these proceedings for further hearing is denied.

On brief certain of the protestants renewed their objections to certain rulings of the examiners. It is contended that Appendices A and B to Exhibit No. 1985 constituting a supplemental time-in-transit study of Bowman should be rejected as not properly constituting rebuttal evidence. It is urged that if the supplemental study is intended to corroborate Bowman's transit study in its case in chief (Exhibit 47) it is merely cumulative. If intended to modify the exhibit it is not proper rebuttal evidence and should have been presented only after a reopening of the case in chief for that purpose; and if only a transit study, it does not constitute a proper rebuttal of any evidence presented by protestants. In any event it is argued that preparation of the data contained in the exhibit is sufficiently defective to render it of little value and reliability. The examiners reaffirm their ruling receiving Appendices A and B to Exhibit 1985 in evidence. It constitutes rebuttal data relating to information and transit-time studies presented by protestants pertaining to Bowman's service in connection with certain interlining carriers particularly in respect of freight moving to or from Bowman's present territory and points in Texas, Louisiana, Arkansas, Kansas, Missouri and points west thereof. The objection as to

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[20] *New Orleans Shippers Assn., Inc., Investigation*, 323 I.C.C. 619, 639-640 (1964).

[21] *Pere Marquette Ry. Co. Merger*, 271 I.C.C. 667, 670; *Marion Trucking Co. Inc.—Purchase—Harwood Trucking*, 45 M.C.C. 377, 386 (1947).

the method of preparation of the appendices relates only to the weight to be accorded the exhibit.

Objections were renewed to the receipt in evidence of Exhibits 343, 347 and 349 sponsored by certain witnesses on behalf of applicant Red Ball. These exhibits reflect service by Red Ball for these particular witnesses where Red Ball is the delivering or intermediate carrier. They were prepared by Red Ball for the witnesses from its own delivery receipts and the witnesses then checked the exhibits from their respective records. The Red Ball bills underlying the exhibits were available for inspection and were used in cross-examination. Aside from testifying that the exhibits reflected shipments made by them the respective witnesses were unable to testify further concerning the data shown on the exhibits or the manner in which the underlying documents were prepared. From time to time these witnesses have requested copies of the delivery receipts from carriers and rely upon such documents, but for these particular exhibits prepared specifically for use in testifying in these proceedings at the request of Red Ball, the witnesses merely requested Red Ball to furnish copies of delivery receipts covering shipments they had made to a specified area in a given period. While the witnesses were unable to testify as to the practices of Red Ball in preparing its bills underlying these exhibits, the bills are documents which carriers are required to prepare when transporting property in interstate commerce, and no one questioned the authenticity of the documents underlying the exhibits. In these circumstances the examiners reaffirm their ruling receiving the exhibits in evidence to be given such appropriate consideration as the circumstances warrant.

Renewal also is made for the receipt in evidence of an offer of proof on behalf of witness Goodwin for protestant Gordons. Mr. Goodwin, a man of long and respected experience in the field of motor carrier operations, testified concerning various

factors to be considered in establishing a cutoff time for the receipt of line-haul less-than-truckload freight at a particular terminal after which delivery normally would not be made until the following day. When asked whether in his opinion an arrival time at either Dallas or Atlanta around noon normally would permit delivery of less-than-truckload freight on the day of arrival an objection to the question was sustained unless the response was confined to Gordons. An offer of proof was then made to the effect that in the opinion of the witness based upon his experience, such arrival time (as contained in certain of the applicants' proposed schedules) would not normally or reasonably be expected to afford delivery of miscellaneous less-than-truckload freight on the day of arrival. That general conclusion is not material unless related specifically to the factors and conditions under which the applicants propose such schedules. Accordingly, the examiners reaffirm their ruling.

Several protestants moved for dismissal of the Bowman application on the ground that it proposed to connect regular route operations in the East with the proposed regular route operations in the Southwest by use of its irregular route authority in the middle contrary to past Commission cases and procedures. The issuance to Bowman of a certificate extending its regular route operations over various routes between Greensboro, N. C. and Gadsden, Ala. has rendered that issue moot and requires no further discussion. (Certificate No. MC-94201 (Sub-No. 35) issued June 12, 1969 embracing among others No. MC-94201 (Sub-No. 61)). Renewal of a motion to strike Exhibit No. 62 in its entirety also is denied. Portions of the exhibit were stricken during the course of the hearing by the examiners and no basis has been shown for modification of that ruling.

Summary and Conclusions

We have heretofore discussed at some length the principal issues involved herein. All matters raised on brief, including requested findings, have been considered. Those which have not been specifically discussed in our report are deemed not of controlling significance or necessary to the proper disposition of the issues, or are not warranted by the record.

A substantial volume of traffic moves between the areas and points involved in these applications. The areas have grown in population and have experienced industrial and economic expansion as well. Many of the witnesses anticipate a continuing increase in the amount of freight they ship or receive. Almost all of the testimony of the public witnesses relates to such freight moving in less-than-truckload quantities, which generally requires a considerable amount of handling in its movement from point of origin to destination.

There are numerous motor carriers operating and providing service, both single-line and joint-line, between the major cities and points in the area, and they have expanded their service and facilities to meet the growing need. These applications propose the addition of single-line service between points and areas where single-line services are now available, and also they seek to provide single-line service between other points and areas in lieu of the existing joint-line services, or to add new joint-line services and new gateways. The evidence discloses numerous existing motor carrier services available to the public in the areas involved.

The primary issue is not so much the availability of service, but whether the quality of the existing authorized services is adequate to meet the needs and requirements of the public. A large percentage of the public witnesses expressed some dissatisfaction with the service they have been receiving, especially

with respect to the length of time it takes for the transportation of their freight, inconsistency of the transportation services used, poor tracing, poor pickup and delivery service, interline difficulties, and refusal of carriers to handle their freight. Yet many so complaining had made no investigation of the availability of other services, nor tried them in an effort to find a more satisfactory transportation service.

Applicant and protestant carriers normally make regular daily pickups where there is sufficient traffic to warrant such service. When carriers are called for specific pickups, the pickup service is adequate and responsive to the needs of the shippers.

There are instances in which both applicants and protestants, although holding authority to perform a single-line service between certain points, for various reasons actually interline the traffic with other carriers. There also is evidence of some carriers (including some of the applicants and protestants) having failed at one time or another in other ways to provide service as authorized under their certificates. To the extent such actions are violative of the terms of their certificates and the provisions of section 216(b) of the Interstate Commerce Act, remedial procedures are available other than authorizing additional carriers in an area already served by an adequate number of carriers.

Some witnesses criticized the existing single-line services, but for the most part their criticism was minimal. Many of them had not tried all of the available single-line services, nor the joint-line services, in an effort to remedy their complaint.

Applicants propose certain service standards or schedules for the operations they intend to offer the public as improvements over the existing services. The record, however, fails to show that applicants will be able to provide a general transportation service which is so superior to that of the existing

carriers as to warrant a finding that public convenience and necessity require the proposed new services.

Much of the evidence deals with alleged deficiencies of the existing interline services. We recognize that normally single-line service is more satisfactory than joint-line service, and that many of the lesser problems and irritants mentioned by the witnesses would be eliminated or minimized by single-line service. However, the national transportation policy does not tolerate the conclusion that all shippers and all points are entitled to single-line service. The traffic involved is of major import to the economy and efficiency of a number of the existing carriers, and to their ability to continue an adequate service to the public under their certificates. Competition with its advantages must be balanced against wasteful duplication and the creation of excessive capacity that would adversely affect the continuation of efficient operations by existing carriers. Moreover, the applicants themselves provide important segments of the existing joint-line services available, and the evidence shows that the shippers could obtain better interline service by more careful attention to desirable routings and gateways and by more cooperation between the carriers. We conclude that the existing carrier services are adequate to meet the reasonable needs of the shippers, and that applicants' proposed services could not improve substantially thereon without materially diverting traffic from existing carriers to the detriment of their service and contrary to the public interest.

Based upon the evidence as herein discussed and as noted in the appendicies which are a part of this report we conclude that the applicants have failed to establish that the present or future public convenience and necessity require the operations proposed in their respective applications and that each of the applications should be denied.

Findings

In all proceedings, upon consideration of all evidence of record, the examiners find that public convenience and necessity do not require the operations for which certificates are sought.

In view of the findings, the examiners recommend that the appended order be entered.

By Gerald E. Jessup and Edward E. Kobernusz, Hearing Examiners.

(Signature) GERALD E. JESSUP
(Signature) EDWARD E. KOBERNUSZ

Recommended by Gerald E. Jessup and Edward E. Kobernusz, Hearing Examiners.

(Signature) GERALD E. JESSUP
(Signature) EDWARD E. KOBERNESZ

Order

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the ..... day of ....., 1969.

No. MC-1124 (Sub-No. 206)

HERRIN TRANSPORTATION COMPANY EXTENSION—ATLANTA, GA

No. MC-2202 (Sub-No. 273)

ROADWAY EXPRESS, INC., EXTENSION—NEW ORLEANS, LA.

No. MC-2229 (Sub-No. 132)

RED BALL MOTOR FREIGHT, INC., EXTENSION—ATLANTA, GA.

No. MC-11207 (Sub-No. 233)

DEATON TRUCK LINE, INC., RE-ENTITLED DEATON, INC., EXTENSION—DALLAS, TEX.

No. MC-18088 (Sub-No. 36)

FLOYD & BEASLEY TRANSFER COMPANY, INC., EXTENSION—DALLAS, TEX.

No. MC-59680 (Sub-No. 147)

STRICKLAND TRANSPORTATION CO., INC., EXTENSION—ATLANTA, GA.

No. MC-76177 (Sub-No. 304)

BAGGETT TRANSPORTATION COMPANY EXTENSION—DALLAS, TEX.

No. MC-94201 (Sub-No. 56)

BOWMAN TRANSPORTATION, INC., EXTENSION—DALLAS, TEX.

No. MC-106401 (Sub-No. 18)

JOHNSON MOTOR LINES, INC., EXTENSION—DALLAS, TEX.

No. MC-111231 (Sub-No. 67)

JONES TRUCK, LINES, INC., EXTENSION—ATLANTA, GA.

Investigation of the matters and things involved in these proceedings having been made, said applications upon due no-

tice having been heard by the examiners who have made and filed a report herein containing their findings of fact and conclusions thereon; which report is hereby made a part hereof, and said proceedings having been duly submitted:

It is ordered, That said applications be, and they are hereby, denied.

It is further ordered, That to the extent not granted in the report, the pleas of certain of the parties to introduce additional evidence and requesting that notice be taken of certain matters occurring since the closing of this record be, and they are hereby, denied.

And it is further ordered, That these orders shall be effective on .....

By the Commission, division 1.

H. NEIL GARSON,
(Seal) Secretary.

APPENDIX A

Applicant information, including the name, headquarters, docket number, application filing date, authority sought, present authority, motor vehicle equipment, terminal facilities, financial data.

		Page
A- 1	Herrin Transportation Company	A- 1- 5
A- 2	Roadway Express, Inc.	A- 6- 7
A- 3	Red Ball Motor Freight, Inc.	A- 8-10
A- 4	Deaton, Inc.	A-11-12

		Page
A- 5	Floyd & Beasley Transfer Company, Inc.	A-13-15
A- 6	Strickland Transportation Co., Inc.	A-16-17
A- 7	Baggett Transportation Company	A-18-20
A- 8	Bowman Transportation, Inc.	A-21-26
A- 9	Johnson Motor Lines, Inc.	A-27-29
A-10	Jones Truck Lines, Inc.	A-30-32

Appendix A-1

HERRIN TRANSPORTATION COMPANY*
HOUSTON, TEX.

No. MC-1124 (Sub-No. 206)

a. Application Filed: June 18, 1965

b. Authority Sought:

General commodities including classes A and B explosives (but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Serving the points of Birmingham, Mobile, Montgomery, Ala.; Columbus, Ga.; Jackson, Miss., and Pensacola, Fla., as intermediate points on applicant's presently authorized regular routes:

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* Herrin Transportation Company was merged into McLean Trucking Company, effective October 1, 1969, as authorized in No. MC-F-10121, *McLean Trucking Company—Control and Merger—Herrin Transportation Company* (not printed), decided August 5, 1969.

(2) Serving as points of joinder only, the points of Atmore, intersection of U. S. Highways 29 and 80 near Tuskegee, Flomaton, Woodstock and Selma, Ala., and Poplarville, Miss.

(3) Between Jackson, Miss., and Atlanta, Ga.:

From Jackson, Miss., over U. S. Highway 80 to Macon, Ga., thence over Georgia Highway 87 to Jackson, Ga., thence over U. S. Highway 23 to Atlanta, and return over the same route, serving the intermediate points of Montgomery, Ala., and Columbus, Ga.; and serving Selma and the junction of U. S. Highways 29 and 80 near Tuskegee, Ala., as points of joinder only.

(4) Between Jackson, Miss., and Atlanta, Ga.:

From Jackson over U. S. Highway 80 to junction U. S. Highway 11, thence over U. S. Highway 11 to Birmingham, Ala., thence over U. S. Highway 78 to Atlanta, and return over the same route, serving the intermediate point of Birmingham, Ala.

- 1 -

(5) Between New Orleans, La., and Birmingham, Ala.:

From New Orleans over U. S. Highway 11 to Birmingham, and return over the same route, serving no intermediate points; and serving Woodstock, Ala., and Poplarville, Miss., as points of joinder.

(6) Between Pensacola, Fla., and Flomaton, Ala.:

From Pensacola over U. S. Highway 29 to Flomaton, and return over the same route, serving no intermediate points; and serving Flomaton, Ala., as a point of joinder only.

(7) Between Woodstock, Ala., and Mobile, Ala.:

From Woodstock over Alabama Highway 5 to junction U. S. Highway 43 near Thomasville, Ala., thence over U. S. Highway 43 to Mobile, and return over the same route, serving no intermediate points; and serving Woodstock, Ala., as a point of joinder.

(8) Between Montgomery, Ala., and Atlanta, Ga.:

From Montgomery over U. S. Highway 80 to Tuskegee, Ala., thence over U. S. Highway 29 to Atlanta (also from Montgomery over Interstate Highway 85 to Atlanta) and return over the same route, serving no intermediate points; and serving the junction of U. S. Highways 29 and 80 near Tuskegee, Ala., as a point of joinder only.

(9) Between Atlanta, Ga., and Columbus, Ga.:

From Atlanta, Ga., over Georgia Highway 85 to Woodbury, Ga., thence over Georgia Highway 85E to Manchester, Ga., thence over Georgia Highway 85 and alternate U. S. Highway 27 to Columbus and return over the same route, serving no intermediate points.

(10) Between Birmingham, Ala., and Mobile, Ala.:

From Birmingham over U. S. Highway 31 (also over Interstate Highway 65) to Mobile and return over the same route, serving the intermediate point of Montgomery, Ala.; and serving the point of Flomaton, Ala., as a point of joinder only.

(11) Between Selma, Ala., and Montgomery, Ala.:

From Selma over Alabama Highway 14 to Prattville, Ala., thence over U. S. Highway 82 to Mont-

gomery and return over the same route, serving no intermediate points; and serving Selma as a point of joinder only.

(12) Between Mobile, Ala., and Baton Rouge, La.:

From Mobile over U. S. Highway 98 to Lucedale, Miss., thence over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 21 to Covington, La., thence over U. S. Highway 190 to Baton Rouge and return over the same route, serving no intermediate points; and serving Poplarville, Miss., as a point of joinder only.

(13) Between Birmingham, Ala., and Columbus, Ga.:

From Birmingham, Ala., over U. S. Highway 280 to Columbus and return over the same route, serving no intermediate points.

Restriction: Service proposed at the points and over the routes specified in paragraphs 1 through 13 above is restricted to traffic moving to, from or through Memphis, Tenn., or Monroe, New Orleans or Baton Rouge, La.

c. Present Authority:

Herrin holds authority to operate as a common carrier of general commodities including explosives over regular and irregular routes within an area bounded generally on the west by Houston, Waco, and Fort Worth, Tex., on the north by Little Rock, Ark., and Memphis, Tenn., on the south by New Orleans, La., and on the east by Jacksonville, Fla., and Savannah, Ga. Within this area Herrin serves over 1,000 points.

More specifically, these routes which include service to numerous intermediate points extend between (1) Houston and New Orleans through Orange, Tex., (2) Houston and Dallas-

Fort Worth, Tex., (3) Houston and Waco, Tex., (4) Dallas and New Orleans through Lufkin, Tex., and De Ridder, La., (5) Dallas and Monroe, La., through Shreveport, La., (6) Shreveport and New Orleans through Alexandria, La., (7) New Orleans and Baton Rouge, La., (8) Shreveport and Memphis through El Dorado, Ark., (9) El Dorado and Little Rock, Ark., (10) New Orleans and

Jacksonville, Fla., through Crestview, Marianna, Tallahassee, Pensacola, and Lake City, Fla., and numerous points in south Georgia, including Macon, Savannah, Valdosta, Thomasville, and Waycross. Its routes into Macon and Savannah extend along U. S. Highway 80 through Jackson, Miss., Montgomery, Ala., Columbus, Ga., which points are traversed for operating convenience only. It operates from Memphis to Jacksonville, Fla., via Tupelo, Miss., Birmingham, Ala., and Columbus, Ga., the latter three points being traversed for operating convenience only.*

Herrin's proposal basically is to obtain authority to serve the points of Birmingham, Mobile, and Montgomery, Ala., Columbus, Ga., Jackson, Miss., and Pensacola, Fla., as intermediate points on its presently authorized regular routes, extend its operations to Atlanta (now accomplished), and have connecting routes between its primary routes to facilitate operations.

d. Motor Vehicle Equipment:

(1) Present

Tractors—252
Trailers—441 (including 5 refrigerated vans)
Trucks—225 (pickup and delivery)

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* In January 1968, Herrin acquired authority to operate between Macon and Atlanta, Ga., restricted against service between Memphis or Little Rock and Atlanta, and also containing the restriction as herein proposed. No. MC-F-9730, *Herrin Transportation Co.—Purchase (Portion)—Tamiami Freightways, Inc.* (not printed), decided December 22, 1967.

(2) Contemplated additions to operate proposed authority

Tractors—41

Trailers—80

Trucks—67

e. Terminal Facilities:

Present—13 terminals and 7 agency stations located at various points in Texas, Louisiana, Arkansas, Tennessee, Georgia and Florida.

Proposed—6 additional terminals located at Atlanta and Columbus, Ga., Birmingham, Mobile and Montgomery, Ala., and Jackson, Miss.

f. Financial Data:

Herrin's balance sheet as of December 31, 1965, shows assets aggregating $2.28 million including current assets of $2.16 million. Its current liabilities are $907,272. Its capital account shows $700,00 capital stock and $228,967 as net income for 1964-1965. In 1965, Herrin's operating revenues were $12.9 million with a net income of $334,024 before provision for taxes, and $162,802 after such provision.

Its 1967 and 1968 annual reports of revenues and statistics to the Commission reflect operating revenues of $14,565.386 and $16,993,965, respectively.

Appendix A-2

ROADWAY EXPRESS, INC.
AKRON, OHIO

No. MC-2202 (Sub-No. 273)

a. Application Filed: December 7, 1964

b. Authority Sought:

General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

Between Montgomery, Ala., and Baton Rouge, La.: From Montgomery over U. S. Highway 31 to junction U. S. Highway 29, thence over U. S. Highway 29 to Pensacola, Fla., thence over U. S. Highway 90 to New Orleans, La., thence over U. S. Highway 61 to Baton Rouge, and return over the same route, serving all intermediate points and the off-route points of Plaquemine, La., and those in Louisiana within 10 miles of U. S. Highway 61 between New Orleans and Baton Rouge.

Restriction: Restricted against traffic originating at, destined to, or interchanged at Birmingham or Montgomery, Ala., or their respective commercial zones, and further restricted to traffic moving through Montgomery, Ala.

c. Present Authority:

Roadway holds authority to operate as a motor common carrier of general commodities with the usual exceptions over an extensive network of routes in States generally east of and

including Amarillo, Tex., Kansas City, Kans., and Milwaukee, Wis., except Florida, Maine, New Hampshire, and Vermont. It also is authorized to transport both general commodities and specified commodities over irregular routes.

Note: In No. MC-F-10178, *Roadway—Control—West Brothers* (not printed), decided June 26, 1969, the Commission approved Roadway's application to control West Brothers, Inc., a protestant in this proceeding. West's operations extend over routes between Birmingham, Montgomery and Mobile on the east, New Orleans on the south, Baton Rouge, Natchez

and Jackson on the west, and Memphis on the north, subject to certain restrictions. See Appendix D.

d. Motor Vehicle Equipment:

(1) Present

Tractors—2,196

Trucks—273

Trailers—3,712 (including 8 refrigerated, 25 insulated, 379 open tops, and 19 converta vans)

e. Terminal Facilities:

Present—119 located at various points throughout system.

Proposed—8 additional terminals, with major terminals at Pensacola, Mobile, New Orleans, and Baton Rouge, and smaller terminals at Gulfport and Pascagoula, Miss., and Greenville and Brewton, Ala.

f. Financial Data:

Roadway's balance sheet as of December 31, 1965, shows assets aggregating $50 million. Its current assets of $20.9 mil-

lion includes $14.8 million in cash and marketable securities. Current liabilities are $14.1 million. The capital account shows capital stock $9 million and retained earnings of $19.9 million. For the year 1965 its operating revenue was about $120 million and its net income before provision for federal income tax $10.9, and after, $5.9 million.

Its 1967 and 1968 annual reports of revenues and statistics filed with the Commission reflect operating revenues of $150,750,934 and $184,120,328, respectively.

Appendix A-3

RED BALL MOTOR FREIGHT, INC.
DALLAS, TEX.

No. MC-2229 (Sub-No. 132)

a. Application Filed: May 17, 1965

b. Authority Sought:

General commodities including classes A and B explosives (but excepting household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Between Atlanta, Ga., and Texarkana, Ark.:

From Atlanta over U. S. Highway 78 to Birmingham, Ala., thence over U. S. Highway 11 to junction U. S. Highway 82, thence over U. S. Highway 82 to Texarkana, and return over the same route, serving the intermediate points of Birmingham, Ala., Greenville, Miss., and those on U. S. Highway 82 in Arkansas.

(2) Between Jackson, Miss., and Atlanta, Ga.:

From Jackson over U. S. Highway 80 to junction U. S. Highway 29, thence over U. S. Highway 29 to Atlanta, and return over the same route, serving no intermediate points.

(3) Between Meridian, Miss., and Tuscaloosa, Ala., for purposes of joinder only:

From Meridian over U. S. Highway 11 to Tuscaloosa, and return over the same route, serving no intermediate points.

Restriction: Restricted against the transportation of property moving between Memphis, Tenn., and its commercial zone, on the one hand, and, on the other, Greenville, Miss., Birmingham, Ala., or Atlanta, Ga., and their respective commercial zones.

c. Present Authority:

Red Ball is authorized to operate as a common carrier of general commodities (with exceptions) over extensive routes within a territory generally bounded by Denver, Colo., and Santa Fe, N. Mex., on the west, Houston, Tex.,

and New Orleans, La., on the south, Mobile, Ala., Jackson, Miss., and Memphis, Tenn., on the east, and Kansas City, Mo.-Kans., and Denver, Colo., on the north. Within this area Red Ball serves over 1,450 points, including 544 in Texas, 478 in Louisiana, and 135 in Arkansas.

More specifically, these routes which include service at many intermediate and off-route points, extend (1) between Denver, Colo., and Dallas, Tex., via Pueblo, Colo.; Clayton, N. Mex.; Amarillo and Wichita Falls, Tex.; and also via Lamar, Colo.,

and Boise City, Okla., (2) between Denver, Colo., and Memphis, Tenn., via Oklahoma City, Okla., and Little Rock, Ark., (3) between Dallas and Forth Worth, Tex., and Houston, Tex., (4) between Houston, Dallas and Forth Worth, Tex., and Jackson, Miss., via Shreveport and Monroe, La.; (5) between Dallas and Forth Worth, Tex., and Memphis, Tenn., via Shreveport, La., and Little Rock, Ark.; (6) between Dallas and Fort Worth, Tex., and Baton Rouge and New Orleans, La., via Shreveport, La.; (7) between New Orleans and Baton Rouge, La., and Jackson, Miss., and Memphis, Tenn.; (8) between Memphis, Tenn., and Kansas City, Mo., and Kansas City, Kans., via Little Rock and Fort Smith, Ark.; (9) between New Orleans and Baton Rouge, La., and Natchez, Vicksburg and Jackson, Miss.; (10) between Memphis, Tenn., and Jackson, Vicksburg, Natchez and Gulfport, Miss.; (11) between Dallas, Houston, and Fort Worth, Tex., and Mobile, Ala., via Shreveport and Monroe, La., and Jackson, Miss., and also via Baton Rouge and New Orleans, La.; (12) between New Orleans and Baton Rouge, La., and Kansas City, Mo., and Kansas City, Kans.

d Motor Vehicle Equipment:

(1) Present

Tractors (Road)—654 (includes over 100 sleeper cabs)

Trailers (Road)—1,520 (includes 47 refrigerated, 20 insulated, 40 open top, and 25 converta vans)

Pickup and delivery trucks—712

Pickup and delivery trailers—71

(2) Proposed

To add equipment as it becomes needed to serve the routes

e. Terminal Facilities:

Present—92 terminals (includes 44 in Texas, 17 in Louisiana, 8 in Arkansas, 4 in Mississippi, 1 in Missouri, 1 in Alabama, 1 in Tennessee, 6 in New Mexico, 2 in Oklahoma, 8 in Colorado)

Proposed—3 additional terminals located at Atlanta, Ga., Birmingham, Ala., and Greenville, Miss.

f. Financial Data:

Red Ball's balance sheet as of February 28, 1966, shows assets aggregating over $12. million. Its current assets of $9.3 million includes approximately $1.48 million cash. Its current liabilities are about $4.8 million, and its capital account reflects $1.9 million in capital stock and $4.6 million earned surplus. Its operating revenues for 1965 were $36. million with a net income before provision for income tax of $2.67 million.

Its annual reports of revenues and statistics for 1967 and 1968, filed with the Commission, show operating revenues of $42,372,324 and $45,384,538, respectively.

Appendix A-4

DEATON, INC.
BIRMINGHAM, ALA.

No. MC-11207 (Sub-No. 233)

a. Application Filed: May 28, 1965

b. Authority Sought:

General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as

defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes:

(1) Between Atlanta, Ga., on the one hand, and, on the other, Monroe and Shreveport, La., Dallas and Fort Worth, Tex., and points within 10 miles of Dallas and Fort Worth.

(2) Between New Orleans, La., on the one hand, and, on the other, Baton Rouge, La., Orange, Beaumont, Texas City, and Houston, Tex., and points within 10 miles of Houston.

Restriction: Restricted against local service between New Orleans and the points specified.

Applicant proposes to tack the above authority with its present authority in the States of Alabama, Louisiana, Mississippi, Georgia and Florida.

c. Present Authority:

Deaton is an irregular route common carrier of general and specific commodities between certain points and territories located in the States of Florida, Georgia., South Carolina, North Carolina, Virginia, Kentucky, Ohio, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Colorado, and New Mexico. Its general commodity authority involves primarily transportation between Atlanta, Ga., and Birmingham, Ala. (including points within 65 miles of Birmingham), on the one hand, and, on the other, New Orleans, La., and points in Mississippi.

d. Motor Vehicle Equipment:

(1) Present

Tractors — 310 (30 on order for which there are to be 15 trade-ins)

Trailers — 553 (20 additional on order. These include 253 vans, 278 flat beds, and 22 specialized units)

Pickup and delivery units — 100

(2) Proposed

Addition of 20 tractors and 40 trailers.

e. Terminal Facilities:

Present — 12 terminals located at Atlanta, Ga., Birmingham, Mobile and Anniston, Ala., Columbus, Greenville, Tupelo, Jackson, and Natchez, Miss., New Orleans, La., Memphis, Tenn., and Tampa, Fla.

Proposed— Proposes to establish terminals at Dallas, Houston, and Beaumont, Tex., Monroe, Baton Rouge, and Shreveport, La.

f. Financial Data:

Deaton's balance sheet as of November 30, 1965, shows assets aggregating $3.8 million, including current assets of $1.9 million. Current liabilities were $838,254. Its capital account of $1.69 million consists of $141,600 in capital stock and $1.55 million retained earnings. For the eleven month period ending November 30, 1965, Deaton's operating revenues were $8.8 million. Its net income before provision for income tax was $934,147, and after, $546,946.

Deaton's annual reports of revenues and statistics for 1967 and 1968 filed with the Commission reflect operating revenues of $10,758,227 and $11,584,817, respectively.

Appendix A-5

FLOYD & BEASLEY TRANSFER COMPANY, INC.
SYCAMORE, ALA.

No. MC-18088 (Sub-No. 36)

a. Application Filed: May 18, 1965

b. Authority Sought:

General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Between Atlanta, Ga., and Fort Worth, Tex.:

From Atlanta over U. S. Highway 78 to Birmingham, Ala., thence over U. S. Highway 11 to junction U. S. Highway 80, thence over U. S. Highway 80 to Monroe, La., thence over Interstate Highway 20 to Shreveport, La., thence over U. S. Highway 80 to Fort Worth, and return over the same route. Intermediate and off-route points: Monroe and Shreveport, La., Dallas, Tex., and points within 10 miles of Dallas and those within 10 miles of Fort Worth.

(2) Between Atlanta, Ga., and Houston, Tex.:

From Atlanta over U. S. Highway 29 to Opelika, Ala., thence over Interstate Highway 85 to Montgomery, Ala. (also from Opelika over U. S. Highway 29 to junction U. S. Highway 80, thence over U. S. Highway 80 to Montgomery), thence over U. S. Highway 31 to Mobile, Ala., thence over U. S. Highway 90 to junction U. S. Highway 190, thence over U. S.

Highway 190 to junction U. S. Highway 165 at Kinder, La., thence over U. S. Highway 165 to junction U. S. Highway 90 at Iowa, La., thence over U. S. Highway 90 to Houston, and return over the same route.

Intermediate and off-route points: Baton Rouge and Lake Charles, La., Orange, Beaumont and Texas City, Tex., and those within 10 miles of Houston.

- 13 -

(3) Between Montgomery, Ala., and junction U. S. Highways 11 and 80 near Cuba, Ala., over U. S. Highway 80, **for purpose of joinder only,** serving no intermediate points.

(4) Between junction of U. S. Highways 71 and 190 west of Baton Rouge, La., and Shreveport, La., over U. S. Highway 71, **for purpose of joinder only,** serving no intermediate points.

(5) Between junction U. S. Highway 78 and Alabama Highway 21 near Anniston, Ala., and the junction of U. S. Highways 231 and 80 near Montgomery, Ala., for purpose of joinder with applicant's irregular-route operations:

From junction U. S. Highway 78 and Alabama Highway 21 over Alabama Highway 21 to junction U. S. Highway 231, thence over U. S. Highway 231 to junction U. S. Highway 80, and return over the same route, serving the intermediate point of Sycamore.

Restriction: Restricted to traffic moving between points east of the Mississippi River except Baton Rouge, La., on the one hand, and, on the other, points west of the Mississippi River and Baton Rouge.

c. Present Authority:

Floyd & Beasley is a regular and irregular route common carrier of general and specific commodities—the latter being predominantly textile machinery and textile products—in the States of Alabama, Georgia, South Carolina, and Tennessee. Its authority to transport general commodities includes transportation from Atlanta, Ga., Chattanooga, Tenn., and all points in South Carolina to Birmingham, Ala. The authority to transport textile products includes service from 54 Alabama points to points in Alabama, Tennessee, Georgia and South Carolina.

Seventy-five percent of Floyd & Beasley's traffic consists of textile products and the remainder is of general commodities. Approximately 50 percent of its traffic is connecting line freight.

d. Motor Vehicle Equipment:

(1) Present

Tractors—101

Trailers—208

Pickup and delivery—25

e. Terminal Facilities:

Present —Six terminals located at Atlanta, Ga., Greenville, S. C., Chattanooga, Tenn., Birmingham, Sycamore and Lanett, Ala.

Proposed—Proposes to establish terminals at Baton Rouge, Lake Charles, Monroe, and Shreveport, La., Beaumont, Dallas, Fort Worth, Houston, Orange, and Texas City, Tex.

f. Financial Data:

Floyd & Beasley's balance sheet as of December 31, 1965, shows assets aggregating $2.64 million, including current assets of $1. million. Current liabilities were $278,246. Its capital account shows a net worth of $920,018 consisting of capital stock $80,000, and earned surplus $840,018. For the year 1967 its operating revenues totaled $3.7 million. Net income before provisions for income taxes was $181,309, and after $150,672. For the year 1968 its operating revenues totaled $4.3 million.

Appendix A-6

STRICKLAND TRANSPORTATION CO., INC.
DALLAS, TEX.

No. MC-59680 (Sub-No. 147)

a. Application Filed: June 16, 1965

b. Authority Sought:

General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Between Atlanta, Ga., and Texarkana, Ark.:

From Atlanta over U. S. Highway 78 to Birmingham, Ala., thence over U. S. Highway 11 to junction U. S. Highway 82, thence over U. S. Highway 82 to Texarkana, and return over the same route.

Intermediate points: Birmingham, Ala., Greenville, Miss., and those on U. S. Highway 82 in Arkansas.

(2) Between Atlanta, Ga., and Shreveport, La.:

From Atlanta over U. S. Highway 78 to Birmingham, Ala., thence over U. S. Highway 11 to junction U. S. Highway 80, thence over U. S. Highway 80 to Shreveport, and return over the same route.
Intermediate point: Jackson, Miss.
Joinder point: Monroe, La.

c. Present Authority:

Strickland is a regular route common carrier of general commodities operating over a network of routes extending from the Southwest to the midwest and northeast portions of the United States. More particularly, the routes in the Southwest embrace portions of Texas, Louisiana, and Arkansas and extend to such major cities as Memphis, St. Louis, Milwaukee, Racine, Kenosha, Aurora, Joliet, Chicago, South Bend, Detroit, Cleveland, Philadelphia, Camden, Atlantic City, South Kearny, New York, Bridgeport, Orange, New Haven, Hartford, Springfield and Boston.

By the proposed additional routes Strickland would add service between Atlanta, Birmingham, and Jackson, on the one hand, and, on the other, presently authorized service points in Arkansas, Mississippi, Louisiana, and Texas, via Monroe and Shreveport, La., and Texarkana, Tex. Strickland is of the opinion that route circuity would make impractical the use of the additional routes in connection with Strickland's service to or from Memphis and its points north and east thereof.

d. Motor Vehicle Equipment:

(1) Present

Tractors (Road)—207
Trailers (Road)—787

City pickup trucks—190

City pickup tractors—251

City pickup trailers—261

e. Terminal Facilities:

Present—36 located throughout system including terminals at Dallas, Houston, Memphis, Shreveport, New Orleans, Monroe, San Antonio and Texarkana.

Proposed—4 additional terminals at Atlanta, Birmingham, Jackson, and Greenville.

f. Financial Data:

Strickland's balance sheet as of December 31, 1965, shows assets aggregating $11.3 million, including current assets of $2.7 million. Current liabilities also were $2.7 million. Its capital stock and surplus totaled $4.35 million. In 1965 Strickland's operating revenues were $30.3 million with a net income, before provision for income taxes, of $550,632, and after, $320,428.

Strickland's 1967 and 1968 annual reports of revenues and statistics filed with the Commission reflect operating revenues of $28,065,709 and $33,880,723, respectively.

Appendix A-7

BAGGETT TRANSPORTATION COMPANY
BIRMINGHAM, ALA.

No. MC-76177 (Sub-No. 304)

a. Application Filed: July 30, 1965

b. Authority Sought:

General commodities (except those of unusual value, classes A and B explosives, blasting supplies, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Between Atlanta, Ga., and Forth Worth, Tex.:

From Atlanta over U. S. Highway 29 to junction U. S. Highway 80 (near Tuskegee, Ala.), thence over U. S. Highway 80 to Montgomery, Ala. (also from Atlanta over Interstate Highway 85 to Montgomery), thence over U. S. Highway 80 to Fort Worth, and return over the same route.

Intermediate and off-route points: Montgomery and Selma, Ala., Dallas, Tex., those within 15 miles of Dallas, and those within 15 miles of Fort Worth.

(2) Between Birmingham, Ala., and Fort Worth, Tex.:

From Birmingham over U. S. Highway 11 to junction U. S. Highway 80 (near Cuba, Ala.), thence over U. S. Highway 80 to Fort Worth, and return over the same route.

Intermediate point: Tuscaloosa, Ala.

(3) Between Montgomery, Ala., and Houston, Tex.:

From Montgomery over U. S. Highway 31 to Mobile, Ala. (also from Montgomery over Interstate Highway 65 to Mobile), thence over U. S. Highway 90 to junction U. S. Highway 190, thence over U. S. Highway 190 via Baton Rouge to Kinder, La., thence over U. S. Highway 165 to the junction of U. S. Highway 90 at Iowa, La., thence over U. S. Highway 90 to Houston, and return over the same route.

Intermediate and off-route points: Mobile, Ala., Beaumont, Port Arthur, Smith's Bluff, Texas City, and those within 15 miles of Houston.

(4) Between the junction of U. S. Highways 190 and 71 west of Baton Rouge, La., and Shreveport, La., over U. S. Highway 71, serving no intermediate points, for purpose of joinder only.

(5) Between Meridian, Miss., and the junction of U. S. Highways 11 and 190 near Slidell, La., over U. S. Highway 11, serving no intermediate points, for purpose of joinder only.

c. Present Authority:

Baggett holds authority as a common carrier of general commodities (with exceptions) over regular and irregular routes. The regular routes extend generally between the terminal points of Chattanooga, Tenn., Rome, Atlanta, and Columbus, Ga., Florence, Decatur, Birmingham, Montgomery and Mobile, Ala., and New Orleans, La. Over irregular routes its authority embraces the transportation of general commodities from Montgomery to points in Alabama within 125 miles of Montgomery and of specified commodities in a rather extensive area. In

addition Baggett is engaged in the transportation of explosives from and to points and areas in 44 States including Alabama, Georgia, Florida, Louisiana, Mississippi, Tennessee, and Texas. Baggett Bulk Transport, Inc., a wholly owned subsidiary, and Alabama Highway Express, Inc., a carrier controlled by Baggett, also are engaged in the transportation of property in interstate commerce.

d. Motor Vehicle Equipment:

(1) Present

City trucks and tractors—272

Road tractors—334

Trailers—750 (including open tops, beam racks, side doors, atomic energy, temperature control, and dry freight vans)

(2) Proposed

Equipment adequate for present.

e. Terminal Facilities:

Present—20, located in Georgia (3), Tennessee (1), Mississippi (1), Louisiana (1), Alabama (14).

Proposed—3 additional terminals at Dallas-Fort Worth, Houston, and Beaumont.

f. Financial Data:

Baggett's balance sheet as of December 31, 1965, shows assets aggregating $7.5 million, including current assets of $2.5 million. Current liabilities were $1.3 million. Its capital stock ($144,000) and earned surplus reflect a net worth of $2.6 million. In 1965 Baggett's operating revenues were about $11 mil-

lion with a net before provision for income taxes of $134,841, and after such provision of $129,469.

Baggett's 1967 and 1968 annual reports of revenues and statistics filed with the Commission reflect operating revenues of $14,056,881 and $14,113,906, respectively.

Appendix A-8

BOWMAN TRANSPORTATION, INC.

General Office: EAST GADSDEN, ALA.

Principal Terminal: ATLANTA, GA.

No. MC-94201 (Sub-No. 56)

a. Application Filed: July 12, 1965

b. Authority Sought:

General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading):

(1) Between Birmingham, Ala., and Houston, Tex.:

(a) From Birmingham over U. S. Highway 31 (also over Interstate Highway 65) to Atmore, Ala., thence over Alabama Highway 21 to the Alabama-Florida State line, thence over Florida Highway 97 to junction U. S. Highway 29, thence over U. S. Highway 29 to Pensacola, Fla., thence over U. S. Highway

90 to New Orleans, La., thence over U. S. Highway 61 to Baton Rouge, La., thence over U. S. Highway 190 to Kinder, La., thence over U. S. Highway 165 to junction U. S. Highway 90 (also Interstate Highway 10), thence over U. S. Highway 90 (also over Interstate Highway 10) to Houston and return over the same route, serving the intermediate points of Pensacola, Fla., Mobile, Ala., Grand Isle, Lockport and Golden Meadow, La., Pascagoula and Moss Point, Miss., New Orleans, Baton Rouge and Lake Charles, La., and Orange and Beaumont, Tex., and the off-route points of Port Arthur, Baytown and Texas City, Tex., and those off-route points within a 15 mile radius of Birmingham and Mobile, Ala., Pensacola, Fla., New Orleans, Baton Rouge and Lake Charles, La., and Port Arthur, Beaumont and Houston, Tex.:

(b) From Birmingham over U. S. Highway 11 (also over Interstate Highway 59) to New Orleans, La., thence over U. S. Highway 61 to Baton Rouge, La., thence over U. S. Highway 190 to Kinder, La., thence over U. S. Highway 165 to junction U. S. Highway 90 (also Interstate Highway 10), thence over U. S. Highway 90 (also Interstate Highway 10) to Houston, and return over the same route, serving the intermediate points of Meridian, Laurel and Hattiesburg, Miss., and those off-route points within a 15 mile radius of Birmingham, Ala., New Orleans, Baton Rouge and Lake Charles, La., Port Arthur, Beaumont, and Houston, Tex., and Hattiesburg and Meridian, Miss.

(2) Between Brewton, Ala., and Pensacola, Fla.:

Over U. S. Highway 29, serving no intermediate points, as an alternate route for operating convenience only.

(3) Between Birmingham, Ala., and Mobile, Ala.:

From Birmingham over U. S. Highway 11 to Bucksville, Ala., thence over Alabama Highway 5 to Thomasville, Ala., thence over U. S. Highway 43 to Mobile and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

(4) Between Poplarville, Miss., and Baton Rouge, La.:

From Poplarville over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 10 to Bogalusa, La., thence over Louisiana Highway 21 to Covington, La., thence over U. S. Highway 190 to Baton Rouge and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

(5) Between Montgomery, Ala., and junction U. S. Highways 11, 80, and Interstate Highway 59:

Over U. S. Highway 80, serving all intermediate points.

(6) Between Birmingham, Ala., and Fort Worth, Tex.:

(a) From Birmingham over U. S. Highway 11 (also over Interstate Highway 20) to Meridian, Miss., thence over U. S. Highway 80 (also over Interstate Highway 20) to Fort Worth and return over the same route, serving the intermediate points of Meridian, Jackson, and Vicksburg, Miss., Monroe, Ruston and Shreveport, La., and Marshall, Gladewater, Long-

view and Dallas, Tex., and those off-route points within 15 mile radius of Birmingham, Ala., Fort Worth, Tex., and Meridian, Jackson and Vicksburg, Miss.;

(b) From Birmingham over U. S. Highway 11 to junction U. S. Highway 82, thence over U. S. Highway 82 to Texarkana, Tex.-Ark., thence over U. S. Highway 67 (also over Interstate Highway 30) to Dallas, Tex., thence over U. S. Highway 80 to Fort Worth and return over the same route, serving the intermediate points of Columbus, Greenwood and Greenville, Miss., El Dorado and Crosset, Ark., Texarkana, Tex.-Ark., and Greenville and Dallas, Tex., and the off-route points of Plano and Garland, Tex., and Camden, Ark., and those off-route points within a 15 mile radius of Birmingham, Ala., Dallas and Fort Worth, Tex., Texarkana, Tex.-Ark., Columbus, Greenwood and Greenville, Miss.

(7) Between Birmingham, Ala., and Topeka, Kans.:

From Birmingham over U. S. Highway 78 to Memphis, Tenn.; thence over U. S. Highway 70 to junction U. S. Highway 63 (also Interstate Highway 55), thence over U. S. Highway 63 to junction U. S. Highway 60 at Cabool, Mo., thence over U. S. Highway 60 to Springfield, Mo., thence over U. S. Highway 66 to Carthage, Mo.; thence over U. S. Highway 71 to Kansas City, Mo., thence over Interstate Highway 70 to Topeka and return over the same route, serving the intermediate points of Memphis, Tenn., Jonesboro and West Memphis, Ark., Springfield and Carthage, Mo., and Kansas City, Mo.-Kans., and those off-route points within a 15 mile radius of Birmingham, Ala., and Kansas City, Mo.-Kans., and Springfield, Mo.

(8) Between Memphis, Tenn., and Little Rock, Ark.:

From Memphis over U. S. Highway 70 to West Memphis, Ark., thence over Interstate Highway 40 to Little Rock, and return over the same route, serving off-route points within a 15 mile radius of Little Rock, Ark.

(9) Between West Memphis, Ark., and Little Rock, Ark.:

From West Memphis over U. S. Highway 70 (also over Interstate Highway 40) to Little Rock, Ark., serving off-route points within a 15 mile radius of Little Rock, Ark.

(10) Between Little Rock, Ark., and Greenville, Miss.:

From Little Rock over U. S. Highway 65 to junction U. S. Highway 82 near Lake Village, Ark., thence over U. S. Highway 82 to Greenville and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

(11) Between Houston, Tex., and Dallas, Tex.:

Over U. S. Highway 75 (also over Interstate Highway 45), serving no intermediate points, as an alternate route for operating convenience only.

(12) Between Little Rock, Ark., and Texarkana, Tex.:

Over Interstate Highway 30 (also over U. S. Highway 67), serving no intermediate points, as an alternate route for operating convenience only.

Restrictions:

(a) Restricted to service on traffic moving from, to, or through Birmingham, Ala., Mobile, Ala., Pensacola, Fla., or Memphis, Tenn.

(b) Service at New Orleans, La., restricted to traffic originating at or destined to points in Tennessee and points in Alabama on and north of U. S. Highway 78.

- 24 -

(c) Restricted against the movement of traffic to or from Memphis, Tenn., and its commercial zone (but not as to traffic moving through Memphis, Tenn., and its commercial zone) on the one hand, and points west of the Mississippi River, on the other hand.

c. Present Authority:

Bowman is a regular and irregular route carrier of general commodities (with exceptions) operating generally throughout the six southeastern States of Florida, Georgia, Alabama, Tennessee, South Carolina and North Carolina; and between those States and numerous points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York and Connecticut. As here pertinent, it is authorized to operate (A) over irregular routes (a) between points in Florida, Georgia, Alabama, North Carolina, South Carolina and Tennessee, on the one hand, and, on the other, 5 named points in northwest Georgia, namely Cedartown, Lindale, Mount Berry, Rome, and Summerville (known as Bowman's "five-point authority"); (b) between points in South Carolina and Georgia; (c) between points in South Carolina, on the one hand, and, on the other, points in North Carolina, and Richmond, Va., and Baltimore, Md.; (d) between points in Connecticut, New York, and New Jersey within 35 miles of Columbus Circle, New York, N. Y.; and (B) over regular routes (a) between Birmingham, Ala., and Chattanooga, Tenn.; (b) between Gadsden and Anniston, Ala.; (c) between Charlottesville, Va., and New York, N. Y.; (d) between Winston-Salem, N. C., and Baltimore, Md. Bowman also holds extensive operating authority for the transportation of various specific commodities.

By combining with its present authority over regular and irregular routes Bowman seeks to extend its operations beyond its present terminal points at Atlanta, Birmingham, Pensacola, Mobile, and Memphis to serve 8 new points in Arkansas, 2 in Kansas, 9 in Louisiana, 10 in Mississippi, 3 in Missouri, and 15 in Texas.

Note: In August 1968 Bowman acquired a portion of the operating rights of Alabama Highway Express which included among other authority the transportation of general commodities (with exceptions) between Birmingham and points in Alabama within 65 miles of Birmingham, on the one hand, and, on the other, Louisville, Ky., and points in Indiana, Tennessee, and portions of Florida, Illinois, and Ohio. No. MC-F-9921, *Bowman Transportation, Inc.—Purchase (Portion)—Alabama Highway Express, Inc.* (not printed), decided July 8, 1968.

d. Motor Vehicle Equipment:

(1) Present

Tractors—478 (includes 14 straight and 359 sleeper-cab; 105 pickup and delivery)

Trucks—120

Trailers—940 (van trailers-over-the-road)
38 (pickup and delivery)

(2) Contemplated additions to serve proposed new territory

Tractors—100

Trucks—100 (pickup and delivery)

Trailers—200

e. Terminal Facilities:

Present—25 terminals located throughout its system, but primarily in the 6 southeastern States.

Proposed—20 additional terminals and 3 agency stations located in the States of Arkansas, Louisiana, Mississippi, Texas, Missouri and Kansas.

f. Financial Data:

Bowman's balance sheet as of December 31, 1965, shows assets aggregating $11.4 million. Its current assets of almost $4. million includes $2. million cash. Current liabilities are approximately $2.4 million, and the capital account of about $4.3 million consists of $50,000 in capital stock and the remainder in retained earnings. Operating revenues for 1965 were $18.3 million and net income before provision for taxes was $2. million, and after provision for taxes (including application of investment credit in the amount of $101,500) $1.3 million. Its investments in real property, leasehold improvements, and operating equipment total about $6.6 million.

Bowman's 1967 and 1968 annual reports of revenues and statistics to the Commission reflect operating revenues of $28,785,137 and $35,356,298, respectively.

Appendix A-9

JOHNSON MOTOR LINES, INC.
CHARLOTTE, N. C.

No. MC-106401 (Sub-No. 18)

a. Application Filed: March 23, 1965

b. Authority Sought:

General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Between Atlanta, Ga., and Fort Worth, Tex.:

From Atlanta over U. S. Highway 78 to Birmingham, Ala., thence over U. S. Highway 11 to junction U. S. Highway 80, thence over U. S. Highway 80 to Monroe, La., thence over Interstate Highway 20 to Shreveport, La., thence over U. S. Highway 80 to Fort Worth, and return over the same route. Intermediate and off-route points: Jackson, Miss., Monroe and Shreveport, La., Dallas, Tex., and points within 10 miles of Dallas and those within 10 miles of Fort Worth.

Restriction: Restricted to traffic moving from, to, or through Atlanta, Ga.

(2) Between New Orleans, La., and Houston, Tex.:

From New Orleans over U. S. Highway 61 to Baton Rouge, La., thence over U. S. Highway 190 to junction U. S. Highway 165 at Kinder, La., thence over U. S. Highway 165 to junction U. S. Highway 90 at Iowa, La., thence over U. S. Highway 90 to Houston, and return over the same route.

Intermediate and off-route points: Baton Rouge, La., Orange, Beaumont, and Texas City, Tex., and those within 10 miles of Houston.

Restriction: Restricted to traffic moving from, to, or through Gulfport, Miss. (no local service between New Orleans and points on the above route).

(3) Between Montgomery, Ala., and the junction of U. S. Highways 11 and 80 near Cuba, Ala., over U. S. Highway 80 for operating convenience only.

(4) Between Shreveport, La., and the junction of U. S. Highways 71 and 190 near Baton Rouge, La., over U. S. Highway 71 for operating convenience only.

c. Present Authority:

Johnson is a motor common carrier of general commodities, with exceptions operating over regular and irregular routes. Its regular routes extend between Boston and Worcester, Mass., on the north and Pensacola, Fla., Mobile, Ala., and New Orleans, La., on the south. The network of regular routes also spreads through the eastern half of Pennsylvania and throughout North and South Carolina to Atlanta, Ga. The irregular route authority extends generally to areas in Massachusetts, New Jersey, Pennsylvania, North Carolina, and South Carolina.

d. Motor Vehicle Equipment:

(1) Present

Trucks—221

Tractors—475 (including 335 road tractors)

Trailers—929 (including beam racks, open tops, converta vans, insulated, and temperature controlled)

(2) Proposed

Tractors—50 additional

Trailers—100 additional

e. Terminal Facilities:

Present—35 located throughout system (with 2 more under construction in Rhode Island and Massachusetts)

Proposed—7 additional terminals. Major terminals at Dallas, Houston, Baton Rouge, and Jackson; agency stations at Shreveport, Monroe, and Beaumont.

- 28 -

f. Financial Data:

Johnson's balance sheet as of December 31, 1965, show assets aggregating $16 million. Current assets of almost $5 million includes over $2 million cash. Current liabilities are $3.4 million. Its capital account shows $65,481 common stock, and surplus of over $5 million. Johnson's operating revenue for 1965 was $28 million with a net income before provision for income taxes of $1.6 million, and after, $1 million.

Johnson's annual reports of revenues and statistics for 1967 and 1968 filed with the Commission reveal operating revenues of $31,431,165 and $36,064,832, respectively.

- 29 -

Appendix A-10

JONES TRUCK LINES, INC.
SPRINGDALE, ARK.

No. MC-111231 (Sub-No. 67)

a. Application Filed: June 14, 1965

b. Authority Sought:

General commodities including classes A and B explosives (but excepting commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment):

(1) Between Atlanta, Ga., and Texarkana, Ark.:

From Atlanta over U. S. Highway 78 to Birmingham, Ala., thence over U. S. Highway 11 to junction U. S. Highway 82, thence over U. S. Highway 82 to Texarkana, and return over the same route.

Intermediate points: Birmingham, Ala., Greenville, Miss., and those on U. S. Highway 82 in Arkansas.

(2) Between Texarkana, Ark., and Sherman, Tex.:
From Texarkana over U. S. Highway 82 to Sherman, and return over the same route.

All intermediate points.

(3) Between Birmingham, Ala., and Memphis, Tenn.:

From Birmingham over U. S. Highway 78 to Memphis, and return over the same route.

No intermediate points.

(4) Between Texarkana, Ark., and Dallas, Tex.:

From Texarkana over U. S. Highway 67 to Dallas, and return over the same route.

All intermediate points.

Restriction: Service is restricted against the movement of traffic to or from Memphis, Tenn., and its commercial zone (but not on traffic moving through Memphis and its commercial zone), on the one hand, and, on the other, points east of the Mississippi River.

c. Present Authority:

Jones is a common carrier of general commodities (with exceptions) over regular and irregular routes. Its regular routes

extend generally between its concentrated network of routes located in eastern Oklahoma, southwestern Missouri, and northwestern Arkansas, and the major Jones terminal points of Chicago, Ill., St. Louis, Kansas City, and Springfield, Mo., Wichita, Kans., Tulsa, Muskogee and Oklahoma City, Okla., Dallas, Tex., Memphis, Tenn., and Little Rock and Fort Smith, Ark. Within portions of this area Jones also is authorized to transport general commodities over irregular routes. It is authorized also to transport a number of specific commodities including frozen foods, prepared foodstuffs, canned goods, and steel and steel products.

d. Motor Vehicle Equipment:

(1) Present

Tractors—310 (180 road and 130 pickup)

Trucks—120

Trailers—636 (400 vans, 111 refrigerated, 125 pickup)

(2) Proposed

Tractors—10 additional

Trucks (pickup)—20 additional

e. Terminal Facilities:

Present—24 located throughout system in Arkansas (6), Oklahoma (6), Missouri (3), Mississippi (3), Kansas (2), Texas (2), Illinois (1), and Tennessee (1).

Proposed—4 additional terminals to be located at Atlanta, Ga., Birmingham, Ala., El Dorado, Ark., and Texarkana, Ark.-Tex.

f. Financial Data:

The Jones balance sheet as of December 31, 1965, shows assets aggregating $6 million. Current assets of $2.7 million includes $1.5 million cash. Current liabilities were $1.3 million. Its capital account totals $4.7 million including $964,800 capital stock and $3.7 million surplus. Operating revenues for 1965 were $13.7 million with a net income before provision for income tax of $1.1 million, and after $633,486.

Jones' 1967 and 1968 annual reports of revenues and statistics filed with the Commission reflect operating revenues of $16,117,746 and $18,687,408, respectively.

APPENDIX B

Index of Witnesses

Abbreviations

Baggett Transportation Company ..... BA
Bowman Transportation, Inc. ..... BO
Deaton, Inc. ..... D
Floyd & Beasley Transfer Company, Inc. ..... F
Herrin Transportation Company ..... H
Johnson Motor Lines, Inc. ..... JM
Jones Truck Lines, Inc. ..... JT
Red Ball Motor Freight, Inc. ..... RB
Roadway Express, Inc. ..... RE
Strickland Transportation Co., Inc. ..... S

Witness No.	Witness Name	Company Name	Application Supported
1	Phillips, H S	Mead Packaging Co.	H, D, RB, S, JT, BO
2	Langdon, C W	Tom Huston Peanut Co.	H
3	Solberger, S	Thompson Hayward Chem.	H
4	Bertolotti, J	Gamlen Chemical Co.	H, BO, JM
5	Burge, L	Colonial Shoe Co.	H
6	Govus, R	Shirley of Atlanta	RB, H, JM
7	Heflin, K	Visador Co.	RB
8	Alley, A K	Schering Corp.	RB
9	Ceder, R E	Eastman Kodak Co.	RB
10	Skelton, R G	Atkins Saw Div.	RB, S, JT
11	Myers, Duane I	Knox Glass, Inc.	D
12	Keeton, J	Thomas Foundries	D, S, BO
13	Bland, B R	Deering Milliken, Inc.	F, JM, BO, JT
14	McCarley, L J	Oconee Mills Div.	BO, JM, F
15	Baker, W S	Poly Products	F
16	Cheshire, T L	Justrite Envelopes Mfg.	S
17	Steely, D R	Carpenter Steel Co.	S
18	King, J M	Munford Co.	S
19	Weaver, O H	Pomona Products Co. Southern States United Cotton Goods Southeastern Textile Sparta Mfg. Co., Inc.	S
20	Culpepper, C	Atlanta Freight Bureau	S
21	Bailey, R E	Fox Mfg. Co.	BA
22	Duke, E	General Electric Co.	BA
23	Pollard, W S	Canebrake Shoes, Inc.	BA
24	Howard, W F	Eureka Foundry	BA
25	Hohman, W P	Goodrich, B. F., Co.	BA

Witness No.	Witness Name	Company Name	Application Supported
26	Schoening, R L	Union Camp Corp.	BO, JM, JT
27	Langston, J C	Duncan Motor Lines	BO, JM, JT
28	Harkins, J C	Chemstrand-Monsanto	BO, JM, JT
29	Brown, H D	Russell Stover Candies	BO, JT
30	Blackwelder, R A	Thonet Industries	BO, JM, JT
31	Bradford, G	Gilliam Furniture Co.	BO, JM, JT
32	Berry, C	Wilson-Jones Co.	BO, JM
33	Kleeman, C F	General Aniline & Film	BO, JM
34	Lundy, L	Momar, Inc.	BO, JM, JT
35	Finch, L D	Shaw Mfg. Co.	BO, JM, JT
36	Blumberg, M W	Briarcliff Mills	BO, JM, JT
37	Raynal, J S	Statesville Chair Co.	BO, JM
38	Cloer, A W	Reeves Bros Inc.	BO, JM, JT
39	Query, E N	Ross, F H & Co.	BO, JM
40	Knobel, E R	Dayco Corp.	BO, JM, JT
41	Chaplick, J P	Johns Manville Prods	RE
42	Leach, W R	Grace, W R & Co.	RE
43	Bourgeois, N	Louisiana Glass Co.	RE
44	Miller, C B	Kawneer Co.	RE
45	Schoelkopf, A	Black & Decker Co.	H
46	Turner, J D	Roybar of Georgia	H, RB
47	Eison, Al	Marsh Wall Products	H, JM
48	Haskell, M	Life Time Foam	S
49	Nance, D F	Warner-Slimwear Ling.	H, RB
50	Schaeffer, A	Armstrong Cork Co.	RE
51	Nuss, M E	Cochran & Co.	H, BO, JM, S
52	Deaver, F E	Moore Handley, Inc.	D, RB
53	Sheffield, J C	Lamson & Sessions Co.	RB
54	McGinty, R D	Avon Products	RB
55	Chapman, F G	Latham Time Recorder	RB

Witness No.	Witness Name	Company Name	Application Supported
56	Joyce, James J	Squibb, E R & Sons	RB
57	Barry, Jack	Barry Pattern & Fdry	RB, D
58	Thomas, J O	Read Steel Prods, Inc.	D
59	Cochran, M	Josam Mfg. Co.	D
60	Wahlman, J E	Republic Steel Corp.	D, BO, BA
61	Steffen, H R	Coats & Clark Sales	D
62	Fortenberry, G G	USCO Equipment Corp.	D
63	Richey, S F	Sonoco Products Co.	F
64	Prince, J A	Jantzen Southern Co.	F, BO, JM
65	Yarborough, D	Watkins Carolina Exp	F
66	Sedgwick, W J	Charles Bruning Co.	S
67	Lister, J P	Charles Pfizer & Co.	JM, RB, S
68	Nelson, C C	Nelson Paint Co.	BA
69	Meyer, N J	Wolverine Tube	BA
70	Hudson, H P	Price, L B Mercantile	S
71	Terrell, D C	Johnson Fluker Co.	BA
72	Murphy, N B	Murphy Ford Co.	S
73	Barschdorf, M P	Greenville Port Comm.	S
74	Carter, C W	Hewitt-Robins	BA
75	Grainger, O S	Gulf Oil Corp.	BA

76	Alpers, G D	United Merch & Mfgrs	JM
77	George, H P	Deran Confectionery	S, JM, JT
78	Raffaelle, R C	Jeffrey Mfg. Co.	BO, JM
79	Verrill, L	Saco-Lowell Shops	BO, JM
80	Arnold, J L	Reid Provident Labs	BO, JM
81	Hendricks, M	Vulcan Metal Prods	BA, JT, BO
82	Jones, F	Jones Mfg. Co.	BO, JT
83	Allen, E	Southeastern Tool-Die	BO, JT

Witness No.	Witness Name	Company Name	Application Supported
84	Worrell, J	Quality Park Envelope	BO, JT
85	Chapman, J T	H C & D Lines, Inc.	BO, JM
86	Parker, J M	Union Envelope Co.	BO, JT
87	Reagan, R	Dwoskin, Inc.	JM, JT, BO
88	Tice, K N	Her Majesty Underwear	BO, JM
89	Crawford, Sue	Coronet Inds., Inc.	BO, JM, JT
90	Boyles, F A	Westrac Co.	BO, JM, JT, F
91	Kessler, F E	Standard Register Co.	RE
92	Lynch, C J	Shepard Decorating Co.	RE
93	Dye, R K	C & D Battery Co.	RE
94	Conway, J F	Dunham Bush, Inc.	RE
95	Frydell, G	Friden, Inc.	H
96	Cox, J	Chicago Pneum Tool Co.	H
97	Schwartz, John	Will Scientific, Inc.	H
98	Hodges, K	State Farm Ins. Co.	RB
99	Scott, J E	Williamson Southern	RB, JM
100	Bradley, B H	Yates Amer Machine Co.	RB, H
101	Smith, L J	Westinghouse Parts Center	RB, JM
102	English, L	Orkin Exterminating	RB, H
103	Pound, R	Printak, Inc.	H
104	Moyers, T J	Rubatex Corp.	H
105	Housel, W H	Greif Bros. Cooperage	D
106	Barnum, C	Planet Southern Corp.	D
107	Robbins, C R	Birmingham Spring Serv.	D
108	Glasgow, T	Hurricane Steels Inds.	D
109	Berry, D H	Ethyl Corp.	H, D
110	Hatcher, B M	Avondale Mills	F
111	Hall, C L	Bon Air Yarn Mills	F
112	Dunn, R T	Sherman & Reilly	F

Witness No.	Witness Name	Company Name	Application Supported
113	Cassell, L	Central Motor Lines	F
114	McElroy, W	Union Floor & Carpet	S
115	Burke, B J	Lion Oil Co.	S

116	Puckett, J E	Building Products Co.	S
117	Allen, E	Climate Engineers, Inc.	S
118	Vickers, J	National Industries	S
119	Graves, A C	National Cabinet Co.	BA
120	Taylor, B D	Worthington Air Cond.	BA
121	Bostic, W A	Adams-Mercury-Cushman	BA
122	McNulty, J T	Magna-Par Co.	BA
123	Brown, W C	Diamond B Western Shop	BA
124	Roberts, G	Norwich Pharmacal Co.	JM, BO, JT
125	Parker, C	Thayer Coggin, Inc.	JM, BO
126	Miller, H W	Bostitch Southern, Inc.	JM, JT, BO
127	Lynch, W R	Crown Candy Corp.	BO, H, JT, JM
128	Herndon, J V	Simmons Co.	JM, BO
129	Clark, A	Remington Office Mach.	BO, JT
130	Bachelder, R C	Heekin Can Co.	JT
131	Holliday, G	Callaway Mills Co.	JM, BO, JT
132	Wedler, H	Bear Brand Hosiery Co.	JT
133	Johnson, E	Shakespeare Co.	JT
134	Danforth, R H	Cole Steel Equipment	BO, JM, JT
135	LaHatte, M T	Crawford & Thompson	BO, JM, JT
136	Stevens, J D	Cumberland Case Co.	BO
137	Ogle, C	Cutler Hammer, Inc.	BO, JM, JT, S
138	Cantrell, R	Dixie Logging Tool Co.	BO
139	Harvey, G A	Beaunit Fibers	RE
140	Dunn, S W	Acme Industries, Inc.	RE

Witness No.	Witness Name	Company Name	Application Supported
141	Newton, W E	Pettibone Corp.	RE
142	Fricks, J F	Burlington Inds., Inc.	RE
143	Harris, W C	Columbus Mills, Inc.	H
144	Flynn, J M	American Metal, Inc.	H
145	Wheatley, T	National Aniline	H
146	Rauh, T	Monarch Co.	H, JM
147	Williams, J E	Miss. Wholesale Drug Co.	RB
148	Hawkins, B	Simon & Mogliner	RB, JT, BO
149	Eubanks, J R	Utility Supply Co.	RB
150	Malberry, R L	Plantation Patterns	RB, S, D, BO
151	Goff, K	Consolidated Merch. Corp.	RB, BO
152	Speegle, D	Bebco Distributors	D
153	Owen, E T	Plastic Clad Corp.	D
154	Ellis, Jack	Lovable Brassiere Co.	H, RE, JM
155	Elliott, O B	Elliott Associates	D

156	Curry, J	Schollee Corp.	D
157	Johnson, W	General Amer Trans Co.	S
158	Herron, A	James W Clary Co.	S
159	Groover, T G	Builders Mfg. Co.	BA
160	Logan, D C	Ace Neon Sign Co.	S
161	Wilch, W W	Devilbliss Co.	S
162	Green, A F	Cass, N.D., Co.	BA
163	Humber, G	Swift Mfg. Co.	BA
164	Garner, W H	Sou Multiple Forms	BA
165	Eisenberg, C	Best-Pak Co.	BA
166	Metivier, R	Kendall Co.	JM
167	Holden, T	George E. Failing Co.	S
168	George, J A	Itek Business Prods.	BO, JM, JT

Wit-ness No.	Witness Name	Company Name	Application Supported
169	Lewis, G	Central Aircraft Corp.	BO
170	McDonald, C	Fine Products, Inc.	BO, JM, JT
171	McWharter, J R	Gordon Foods	JT, JM, BO
172	Kruk, S W	Amer. Cyanamid Co.	BO, JM
173	Dove, E	AAA Motor Lines	JM
174	Wright, J M	Chattanooga Glass Co.	BO
175	Calhoun, D L	Tip Top Products Co.	BO, JT, JM
176	Estabrook, F	Mitchell Ind. Tire Co.	BO
177	Gale, E R	Gale House of Music	BO, JT
178	McKowan, H W	Startex Mills	BO, JM
179	Wooten, T	Trane Co.	RE
180	Haygood, L B	Planters Mercantile	RE
181	Piem, S	Maryland Baking Co.	JT, JM, BO
182	Beckham, C H	Pensacola Mill Supply	RE
183	Ward, L P	Bostitch Atlanta, Inc.	RB
184	Fulbright, A L	W R Bean & Sons	RE
185	Lowe, R G	Grinnell Corp.	RE
186	Couch, D L	Oxford Chemical Corp.	RB, BO
187	Beason, J F	Bham Stove & Range Co.	RB
188	Hedgepeth, G T	Mississippi Bearings	RB
189	Mize, J H	Davis Whlse Drug Co.	RB
190	Roberts, E P	Frigidaire Sales Corp.	H
191	Craft, M	David Rothchild Co.	H
192	Gautney, L E	Kent Corp.	D
193	Parker, D E	R Hoe & Co	D
194	Jewel, D A	Crystal Sprgs. Bleachy	BO
195	Hines, M M	Allied Fence Co.	D

Witness No.	Witness Name	Company Name	Application Supported
196	Chambers, J C	Monarch Citrus Prod.	D, RB, JT
197	Keenan, J D	Reliance Panelyte	D
198	Courtney, R S	Chattanooga Medicine	BO
199	Bohler, S L	Murray Co. of Texas	S
200	Mazurkiewicz, C	Bowman Prods. Div.	S
201	Smith, C W	Addressograph Multigraph	S
202	Dash, G	Newman Elec Mtrs Co.	BA
203	Hendrick, W W	Cabell Electric Co.	S
204	Richards, E E	Modern Line Prods.	JT
205	Ellington, W M	Ellington Electronics	BO, JM
206	Ezelle, F J	Mississippi Bedding	BO, JM
207	Harris, R T	International Paper	BO, JM
208	Hicks, R L	Stone Container Corp.	BO, JM
209	McDonald, G G	Brock Candy Co.	BO
210	Davis, W P	Texize Chemicals, Inc.	BO, JM
211	Faison, Cameron	Southern Dyestuff Co.	BO, JM
212	Thompson, Scott	Baldwin Piano Co.	BO, JT
213	Andress, D S	Kraft Foods	BO, H, JT
214	Yager, R J	Lily Tulip Cup Corp.	BO, JM, JT
215	Folz, A L	Lorch Westway Corp.	BO, JM
216	Shelton, C B	Fashions of Texas, Inc.	BO, JM
217	Barrow, G	Bell Textile Co.	BO, JM, JT
218	Woolley, D B	Prentice Hall, Inc.	RE
219	Wager, E E	Genesco, Inc.	RE
220	Beekley, G H	Stanley G Flagg & Co.	RE
221	Sasser, W O	Winzer Co., Inc.	BO, JT, JM
222	Ricker, C D	Stockton Mfg. Co.	H
223	Jones, J R	Denman Rubber Mfg. Co.	RE
224	Kryso, F J	Dow Chemical Co.	RE
225	Fitch, J O	Dayco Corp.	H

Witness No.	Witness Name	Company Name	Application Supported
226	House, L E	Candy House	RB
227	Gaulden, H	Warlick Press, Inc.	H
228	Botelho, P	Maxwell Paper Co.	RB, S, BO, J
229	Davis, F	U S Gypsum Co.	RB, S
230	Miller, J	Primrose Oil Co.	H
231	Osnik, N	Alexander Smith	RB
232	Maxwell, H C	Temple Industry	RB
233	Hampton, B	Capital Industries	F
234	McGiffert, T B	Ala Textile Prods Corp.	F
235	White, A	Boss Mfg. Co.	F
236	Howell, F W	Southwest Sprg Mfg. Co.	BA
237	Murphy, M H	Golding Bros. Co.	F
238	Hawley, L E	Frostemp Artic Air	BA
239	Utley, R G	Utley Carpets & Drap.	BA
240	Hamilton, S W	Gibson Products Co.	S, RB

241	Lavo, G	Solinger & Sons	F
242	Tubbs, K P	Dallas Chamb. of Com.	RB, S
243	Harris, J W	Julian Noa Co.	BO, JM, JT
244	Thomas, C	Quaker States Metal	S
245	Malson, R R	John Sexton & Co.	BO, JM, JT
246	Goodier, E	Goodier Co.	BO, JM, JT
247	Smith, R A	Western Textile Prods.	BO, JM
248	Chambers, D	Charles Bruning Co.	S
249	Goolsby, W R	Murray Co. of Texas	BO, JM, JT,
250	Wakser, E H	Brass Craft Western	BO, JM
251	Haney, E M	Top Value Enterprises	S
252	Akins, K L	King Candy Co.	BO, JT, JM
253	Wilkes, J H	International Warehousing	BO, JT, JM

Witness No.	Witness Name	Company Name	Application Supported
254	Holt, L	Consolidated Handbags	BO, JT, JM
255	Dessommes, L F	Coats & Clark Sales Corp.	JT, RB
256	Berry, R A	Morgan & Lindsey Co.	BO, JM
257	O'Leary, C	Proctor-Silex Corp.	RE
258	Mickey, M E	Dallas Bias Fabrics	BO, JM
259	Bugbee, C	Cutler Labs., Inc.	BO
260	Lisson, H C	Pass & Seymour, Inc.	RE
261	Stevens, M R	Textile, Inc.	BO, JM, JT, S
262	Anderson, C J	City Products Corp.	BO, RB
263	Beaver, H D	Revere Copper & Brass	RE
264	Black, J W	TVK Automotive Whse	RE
265	Evans, J	Duncan Foods Co.	H
266	Funderburk, E	Gordons Jewelry Corp.	H
267	Milazzo, S N	Activated Metals, Inc.	RE
268	Ford, D L	Henson Kickernick, Inc.	RB
269	Stewart, T	Thermo Plastics	H
270	Boyd, J K	Webb Filter Co., Inc.	RB
271	Brown, J P	I. D. Brown Paint Co.	H
272	Ragsdale, D M	Levines, Inc.	RB, S
273	Coleman, R W	National Cash Register	RB
274	Cooper, N W	Great Lakes Screw Corp.	H
275	Taylor, O L	Texas Express Co.	RB, S
276	Capehart, W D	A & B Bag Co.	S
277	Rainey, B	Henderson Mfg. Co.	RB
278	Humbert, Drew	Wolfe Textile Co.	S
279	Smith, H A	Friedrick Refrigerators	S
280	Elmore, D	Texoma Wholesale Jewelers	S
281	Whitworth, W W	Whitworth Carpets	BA
282	Newton, C W	Newton Bros. Lbr. Co.	BA
283	Scarborough, H P	Auto Air Accessories	BO, JM, JT

Witness No.	Witness Name	Company Name	Application Supported
284	Napier, Miles	Verson Mfg. Co.	S
285	Matuzzi, R E	Fabrics, Inc.	BA
286	Norton, F R	Larkotex Surgical Mfg.	JT, BO
287	Murphy, C	Lummus Cotton Gin Co.	BO
288	Montgomery, S S	Western Spec. Coatings	BO
289	Vatter, C	Lorna Fashions, Inc.	BO, JT, JM
290	Scarpinito, V J	M. Lowenstein & Sons	JM
291	Morris, R J	Windor Industries, Inc.	BO, JM, JT
292	Bruce, J T	Aloe Div Brunswick	BO
293	Fincher, J	Vanguard Products, Inc.	BO, JM, JT
294	Murphree, C P	Lone Star Ribbon Co.	BO, JM
295	Hendricks, J	Seneca Textiles Corp.	BO, JM
296	Cain, C E	Cain's Machine Shop	BO
297	Purse, J A	Purse & Co., Inc.	BO, JM, JT
298	Maynard, A	Harry Davis of Dallas	BO, JM, JT
299	Anderson, C H	Fasco Industries, Inc.	RE
300	Griffith, L G	Whitehall Labs, Inc.	BO, JM
301	Fair, S J	Allis Chalmers Mfg.	RE
302	Burden, R	Reliance Elec. & Engr.	RE
303	Colyer, C H	Oneida Limited	RE
304	King, E B	Morton's Shoe Stores	RE
305	Rose, J	Amer. Screen Mfg. Co.	H
306	Sullivan, D J	Columbia Records Co.	H
307	Wisley, C	Mathis Air Cond. Co.	H
308	Herod, R D	Continental Can Co.	H
309	McDowell, H	Red Rivers Textiles	RB
310	Stone, W H	Texas Tag & Specialty	RB
311	Sexton, B	Sexton Plant Farm	RB
312	Little, D	Amarlite Co.	RB
313	Brown, R	Perl Pillow Co.-Perl Pad Co.	H

Witness No.	Witness Name	Company Name	Application Supported
314	Newsom, R E	Texas Refinery Co.	S
315	Heard, R W	Frigiking-Cummins Eng.	S
316	Waller, W H	Selber Bros.	S
317	Ball, R H	A C Weber Co.	S
318	Klein, H	Pest Guard Prods.	BO
319	Faulkner, R E	Sam A. Wing Co., Inc.	JM, BO
320	Glater, I	Laura of Dallas, Inc.	BO, JM, JT
321	Trammel, F W	Bishop Autom. Trans. Pts.	BO
322	Einsle, R	Dresher Mfg., Inc.	BO, JM, JT
323	Dvorak, T J	Coopers, Inc.	BO, JM
324	White, D R	Western Auto Store	BO, JT
325	Kenney, A W	A. H. Robins Co.	BO, JM

326	Loving, J Y	Polk Miller Prod. Corp.	BO, JM
327	Koop, C	Titmus Optimus Co.	BO, JM
328	Lackie, R J	AMF Cycle Div Am Mach	BO, JT
329	Gilliland, L E	Texarkana Chamb Comm	JT, BO, S
330	Savary, T M	Savary Corp.	JT, BO, S
331	Walker, C C	Kendall Co.	BO, JM
332	Perreault, C	Canteen Corp.	BO, JM
333	O'Leary, C J	Lewis Shepherd Prods.	RE
334	Schneider, R J	Philip Carey Mfg. Co.	RE
335	Stanley, A A	Will & Baumer Candle	RE
336	Pitts, H	A R A Manufacturing, Inc.	H, RB
337	Mason, A	Poloron Products	H, S
338	Linnell, H	Mid Cont. Steel Casting	S
339	Ellis, B R	Reynolds Alum Supply Co.	S, H
340	Ranche, D R	Standard Brands, Inc.	RB

Witness No.	Witness Name	Company Name	Application Supported
341	Hood, L W	Airotex Co.	H
342	Vee, A J	Mercantile Stores Co., Inc.	RE
343	Baker, H J	S C M Corp.	RE
344	Eddy, D W	Cornelius Co.	S
345	Clem, L	Shaw Walker Co.	H
346	McCoy, R	Tempo Decorating Fabr.	H
347	Wiedeman, J M	Superior Switchboard	RB
348	Bridges, R L	Higginbotham Bailey	BO, JM, RB
349	Epps, G E	Nibco, Inc.	RB
350	Holland, W L	Boyle Midway	RB
351	Lee, H D	Delta Quality Prods.	S
352	Ufert, T R	Gym Dandy, Inc.	H, S, RB
353	Townsend, J E	Brewster Co.	S, RB
354	Atkins, D W	Rockwell Mfg. Co.	JT
355	Jones, D F	Carpets, Inc.	JT, BO
356	Killian, J C	John Killian Co.	BO, JM
357	Smith, H W	Hagerdorn's, Inc.	BO, JM, JT
358	Comroe, I H	Frozen Rite Products	BO, JM, JT
359	Brewer, L T	Monkeygrip Sales Co.	BO, JM, JT, S
360	Symank, M	Sherrod, Inc.	BO, JT
361	Ragsdale, D M	Levines, Inc.	BO, JM
362	Cheney, A L	Williamson Dickie Mfg.	BO, JM, JT
363	Tate, G L	Ft. Worth Carpet Co.	BO
364	Kale, R A	Crown Machine & Tool	BO, JM, JT
365	Locke, B D	Monnig's	BO, JM
366	Correro, J S	Burke Div Brunswick	BO, JM, JT
367	Harmes, D M	Guild Industries, Inc.	BO, JM
368	Smith, L L	Higgonbotham Pearlstone	BO, JM, JT

Witness No.	Witness Name	Company Name	Application Supported
369	Kavanaugh, J	Kavanaugh Ftr Frt.	S
370	Slotter, J L	LaFrance Industries, Inc.	BO, JM
371	LaRue, J	Bowles & Edens Supply Co.	S, BO, JM
372	Thompson, C	Tandy Leather Co.	S
373	Mandel, A	Marilyn Belts & Bags	S
374	Griffin, J	Daniel Radiator Corp.	S
375	Word, W	Connally Impl. Supply Co.	RB
376	Jaubert, M J	Mead Packaging Co.	RB
377	Patock, J	Hexcel Products, Inc.	RB
378	Gibson, B P	Taylor Foundry Co.	RB
379	Grade, D L	Geo E Anderson Co.	S
380	Carter, D J	Home Interiors & Gift	S
381	Briscoe, B	Xerox Corp.	RB
382	Schultz, A	Magnolia Brush Mfgrs	RB
383	Smith, M L	U S Brass Corp.	S
384	Kay, D R	Anchor Serum Co.	H
385	Chiricos, T	Dresser Ind. Valve	H
386	Boyd, J	C G Gribble Co.	H
387	Harris, D	Case Mfg Co. Casard Fur Mfg	RE
388	Harvey, P	Texas Wholesale Variety	H
389	Lady, K W	Datafold Forms, Inc.	RE
390	Ripperton, F	Samsonite Corp.	RB
391	Sinclair, R M	Lindsay Wire Weaving	BO, JM
392	Fournaris, J	Sweetheart Plastics	RE
393	Reid, S	Robinson & Heath Brokers	RE
394	Hanning, W M	Potts Longhorn Co., Inc.	BO
395	McNutt, W E	Cotter & Co.	RB
396	Pinelli, D E	Pinneli Welding Wire	BO, JM, JT
397	Bell, R	Bell Remnants, Inc.	BO, JM
398	Carson, H	J W Davis & Co.	BO, JM, JT

Witness No.	Witness Name	Company Name	Application Supported
399	McElhanon, H H	Frazier, Inc.	BO
400	Byrnes, H P	Byrnes Dist., Inc.	JM
401	Bell, M D	Jones of Dallas Mfg.	BO, JM, JT
402	Allen, J	Fortune Designers, Inc.	BO, JM
403	Treadway, B	Acme Linoleum & Tile	BO, JT
404	Leff, D	Leff Bros. Dry Goods	BO, JM
405	Kring, L D	Southwest Towel & Lin.	BO, JM
406	Shipman, R W	Torginol of Texas	BO, JM
407	Hurmis, D	Tempo Decorative Fabr.	BO, JM, JT
408	Woods, H L	Tri State Mill Supply	BO, JT, S
409	Willeford, W	Argus Camera Co.	H
410	Kincheloe, G W	Georgia-Pacific Corp.	S

411	Brewer, B L	Walker Hdwe & Lbr. Co.	S
412	Philips, L C	Riviana Foods, Inc.	H
413	Lemmons, H	Colony House, Inc. Saladmaster Corporation	BO, JM, JT
414	Blue, T R	W Shanhouse & Sons	S
415	Davis, D D	J A West Co.	S
416	Boozin, F	Fransil Hosiery Co.	H
417	Hawkins, A	Panhandle Assoc Grocr	RB
418	Roos, L	Amer Cyanamid Co.	RB
419	Weinberg, B J	Sheinberg Mfg. Co., Inc.	H
420	Stanton, H H	McKell's Sportswear	H
421	Thomas, C F	Overseas Motor Corp.	BO, JM, JT
422	Griffin, J P	Dan River Carpets, Inc.	BO, JM
423	Kellow, C C	Vera Lee Garment Co.	BO, JM
424	Allen, T H	Campus Sweater & Spts	BO, JM
425	Reeder, D	Dixon Jenkins Mfg.	BO, JM

Witness No.	Witness Name	Company Name	Application Supported
426	Guerin, E H	Amer Paper Tube Co.	BO, JM
427	Blick, V	Stephen Leedom Carpet	BO, JM
428	Humphries, J P	American Thread Co.	BO, JM, JT
429	Jolley, E	Modern Carpet Inds.	BO
430	Overholser, A W	Wexler McCoy Co.	BO, JT
431	Meadows, D	Humco Labs.	RB
432	Morriss, J C	Smith Blair, Inc.	RB
433	Wade, G C	Southwestern Drug	BO, JM, JT
434	Case, V B	Southwest Pump Co.	RB
435	Brown, M E	Dettelbach Pesticide	RB
436	Young, B	Coronet Carpets, Inc.	BO, JM, JT
437	Brown, J L	Marlite Div. Masonite	RB
438	Parisen, C	Gardner Denver Co.	RB
439	Shannon, V V	Jeffrey Mfg. Co.	RE
440	Mathews, C	Royal Crown Bottling	H
441	Erie, R R	Ero, Inc.	H, RE
442	Vaughn, H	Carpet Sales Co.	H
443	Conn, R C	Cook Chemical Co.	RE, H
444	Vandeventer, N S	Dallas Brush Mfg. Co.	JM, BO
445	James, S	Dallas Handbag Co.	H
446	Soforenko, I S	Carol Wire & Cable	RE
447	Kluttz, R L	Ken-Tool Mfg. Co.	RE
448	Patterson, W	Gidon Inds. Ltd.	RE
449	Oberling, R C	Fletcher Eqpt. Co.	H
450	McNelley, H W	Amer. Asso. Co., Inc.	S

451	Wheatley, J F	George E Anderson Co.	S
452	Standley, J R	Sears Roebuck & Co.	S, RB, H
453	Hampton, P R	Powers Wire & Staple	RE

Witness No.	Witness Name	Company Name	Application Supported
454	LaBarre, T R	Hampshire Chemical Div.	RE
455	Tredway, T A	Diaper Jeans, Inc.	S
456	Bragg, M W	Tecumseh Products	S
457	Leiter, B	Leiter of Dallas	S
458	Foster, J E	Foster Oar Co.	BO, JT
459	Edelman, B P	Alton Mfg. Co.	BO, JM, JT
460	Annese, F	Yorke Shirt Corp.	BO, JM
461	Randolph, R L	Amer. Permanent Ware	BO
462	Dodds, H	Texarkana Concr. Prds.	BO, JT
463	Ardinger, H T	H T Ardinger & Son Co.	BO, JM, JT
464	Krone, B	Sabin Robbins Paper	BO, JM, JT
465	Sale, C E	Nutt Sales, Inc.	BO, JM, JT
466	Nichols, H T	Olin Mathieson Chem.	BO, RB, JM
467	Jordan, D R	General Electric Co.	BO, JM
468	Barrack, D	Fawcett Haynes Prtg.	RE
469	Neill, A P	Magnolia Beauty Supply	RE
470	Collier, J A	Collier's Art & Craft	RE
471	Stewart, C E D	Plastinol Inds., Inc.	BO, JM, JT
472	Kennedy, W L	Curtiss Mathis Co.	BO, JM, JT
473	Berthelot, B J	Head & Engquist Eqpt.	RE
474	Lawson, M	Triangle Aluminum Co.	H
475	Thomasson, C	Texas Parts & Serv. Co.	H
476	Davidoff, H	Sweetwater Rug Corp.	RE
477	Davis, H C	Philadelphia Carpet	BO
478	Comeaux, B	Flag Textile Mills	H
479	Axton, J	Steelcase Co.	H
480	Rhodes, C R	H K Porter Co.	RB
481	Taylor, J	Brancrof Industries, Inc.	BO, JT
482	McClure, L P	Porter McClure Co.	JT, BO
483	Armstrong, F W	A M F Ben Hogan Co.	BO, JT, JM

Witness No.	Witness Name	Company Name	Application Supported
484	Calhoun, B R	Hardwick Etter Co.	RB
485	Hays, M	Old London Foods	RB
486	Doyle, N V	Heritage Soap & Candl.	RB
487	Browder, J	Harris Electric Co.	RB
488	Langston, W	Knox Glass, Inc.	RB
489	Bonesteel, J J	(Illegible)	RB
490	Cunningham, A B	(Illegible)	S

- 12 -

491	Brizuela, L	Alloy Tube & Pipe Co.	S
492	Mackowiak, J	Aldens, Inc.	RE
493	McDermott, P J	Trice Floor Covering	BO, JM
494	Dittrich, M	W H Curtis & Co.	JM, RB, BO
495	Boyer, J L	General Electric Co.	S
496	Baker, L J	Permacel Div Johnson	RE
497	Kessler, C A	Mechanics Uniform Supl.	H
498	Anderson, W E	La France Industries	BO, JM
499	Hilger, B	Western Gear Corp.	H
500	Funderburk, E	Gordons Jewelry Corp.	BO, JM
501	Hightower, M	Keeton Industries, Inc.	BO, JM
502	Bell, B W	J. D. Martin Co.	BO, JM
503	Upson, G	Star Corp-Ohio Injector Co.	S
504	Garner, C N	Finger Furniture Co.	BO, JM
505	McHenry, J	George F. Failing Co.	H
506	Kiley, O A	Mechanics Unif. Sply	BO, JM
507	Weidekamp, A	Canteen Corp.	BO, JM
508	Wilson, R E	Daniel Radiator Corp.	BO, JM
509	Davis, D C	Lake Chas Harb & Term	H, RB, D, F, BA, S, BO, JM
510	Parker, R	General Electric Co.	S

Witness No.	Witness Name	Company Name	Application Supported
511	Aquillard, L F	Copolymer Rbr & Chem	RE
512	Kreinsieck, D M	Webster Industries	RE
513	Martin, F	Mira-Pak, Inc.	BO, JM
514	Butler, R W	Robert Butler Co.	RB
515	Lamy, J J	L B Evans Son Co.	RE
516	Coe, A D	A I M, Inc.	BO, JM
517	Milligan, M W	Wright Light, Inc.	H
518	Wright, S	Anchor Wire Rope Co.	H
519	Collins, B	Stephens Co.	BO, JM, H
520	Hermes, R	F & G Mdsg. Inc.	H
521	Pinkel, A	Phil Rich Fan Mfg. Co.	RB
522	Drucker, P	Michelin Tire Corp.	RB
523	Carmody, T	Curtis 1000, Inc.	RB
524	Welch, J	White Mfg. Co.	RB
525	Maness, C D	Anchor Fence Div.	RB
526	Hohle, M	Thermal Engr. Corp.	S
527	Naumann, R	United Cotton Goods	S
528	Robbinson, R W	Wix Corp.	BO, JM, RE
529	Dieterman, A E	McAx Corp.	S
530	Ritter, J	VUL CAP Eqpt. Co.	S

531	Glover, L	Lone Star Beer	S
532	Cook, C J	Amer Porcelain Enamel	BO, JM
533	Howard, L C	Liebermans	S
534	Barnette, W E	G A Stowers Furn Co.	BO, JM
535	Russell, D D	Walgreen's Drug Stores	BO, JM
536	Harper, M R	Hughes Tool Co.	BO, JM
537	Driscoll, L	Wilson Supply Co.	JM, BO
538	Dillashaw, H	Dilly Uniform Co.	BO, JM

Witness No.	Witness Name	Company Name	Application Supported
539	Spencer, W B	Three Weavers	BO, JM
540	Walsdorf, A W	Pellerin Milnor Corp.	H
541	Turnbow, W	Steele Canning Co.	JT
542	Bigge, J J	Hoyt Mfg. Corp.	RB
543	Stallings, J R	Overhead Door Co.	S
544	Robicheaux, M	Langenbeck, Inc.	D
545	Harrell, R W	West Point-Pepperell	F
546	Kees, W H	Pure Oil Co.	D, BA, BO, RB
547	Emerson, A P	American Metal, Inc.	BO
548	Hage, R H	Wysong & Miles Co.	BO, JM
549	Seiff, J L	Spotlight Co.	S
550	Shephard, D C	Capitol Bolt & Screw	BO, JM
551	Sullivan, R G	Dayton Sure Grip	BO, JT
552	Tarver, J A	Misceramic Tile Co.	JT
553	Miller, C E	Miller Wire Works, Inc.	BO, JM, JT, S
554	Reid, L G	Washington Mills Co.	RE
555	Cupit, C	Ero, Inc.	BO, JM, RE, H
556	Simpson, J A	Humble Oil & Refining	BO, JM, RE
557	Kincheloe, G W	Georgia Pacific Corp.	BO, JT
558	McCarty, D	Beco, Inc.	BO, JM
559	Curson, E H	Monroe Auto Eqpt. Co.	RE
560	Bowers, W F	Burton Rubber Proces	RE
561	Sheppard, G B	Rockwell Mfg. Co.	RE
562	Bordelon, H J	Lafayette Woodworks	H
563	Robert, S O	American Mfg. Corp.	RE
564	Castille, A P	Castille Whls Spec Co.	H
565	Robertson, J	Teena Originals, Inc.	BA
566	Buckner, J N	Continental Gin Co.	BA
567	Eyman, C E	Howard Stark Co., Inc.	H
568	Katz, W	Steiner-Lobman Co.	BA

Witness No.	Witness Name	Company Name	Application Supported
569	Burroughs, S R	Robinson Bros., Inc.	RB
570	Virgo, A	Princeville Canning	RB

- 14 -

571	Bonin, J W	Dixie Office Supply Co.	RB
572	Ber, J M	Lighting, Inc.	H
573	Berry, R A	Morgan & Lindsey, Inc.	RB, H
574	Loeb, W K	D H Jay Industries, Inc.	F, BO, JM
575	Gargiulo, M	Richmond Screw Anchor	D
576	Utlay, W B	W B Utlay Paint Co.	BO
577	Stone, C R	Reichhold Chemicals	RE
578	Feinstein, J	Indus Mchy Supply Co.	F
579	James, T C	Progress Mfg. Co.	D
580	Beckman, H L	Henry L Beckman Flooring	D
581	Bobbit, F	Southern Alloy Corp.	F
582	Lawler, S	Lawler Machine & Fdry	D, BO
583	Kraft, M M	Mid-South Contract Sales	S
584	Sutherland, D	Miss. Stationery Co.	S
585	Langston, C L	Gilchrist Tractor Co.	S
586	Cahn, J	Sun Lighting Fixtures	BO, JM
587	Stone, R E	Pepsi Cola Bottling	S
588	Brent, C G	Brent Marine Supply	BO, JT
589	Smith, C L	Stag Shop, Inc.	BO, JM
590	Kremser, K E	Cooling-Heating Supply	BO, JT
591	Mitchell, G	Metal Trims, Inc.	BO, JM
592	Wright, R W	Automotive Warehouse	BO, JM
593	Babcock, A J	H-Brace Inc-Pagebar Inc	BO
594	Freundlich, M	Tandy Leather Co.	BO
595	Bean, O C	American Handicraft Hanna Barber & Beauty	BO, JM

Witness No.	Witness Name	Company Name	Application Supported
596	Gregory, O F	Gregory Mfg. Co.	BO, JM
597	Oubre, B A	Traction Tire Serv. Inc.	H
598	Winkelman, W	Johnnie & Mack, Inc.	BO
599	Berry, D H	Ethyl Corp.	BO, JM
600	Anderson, R J	Pelican Office Supply	BO, JM
601	Bergeron, G H	Copolymer Rbr & Chem	JM
602	Bridges, C W	Interstate Elec. Co.	BO, JM
603	Nichols, G	Gotham Educ Eqpt Co.	JT
604	Sturgeon, C H	Goodrich, B. F., Co.	RE
605	Murrey, A G	Standard Fittings Co.	H
606	Temple, M	General Electric Co.	H
607	Caillier, C J	Estorge Drug Co.	RB
608	Latour, C J	General Office Supply	RB
609	Chiricos, T	Dresser Indus. Valve	RB
610	York, C N	AFCO Corp.	RB

611	Gollay, J	Shanhouse Sons, Inc.	JT
612	Clark, E E	Stratton Baldwin Co.	RE
613	Rush, G L	Cosco Building Products	RE
614	Bostich, E W	Baton Rouge Supply Co. Baton Rouge Plg. Supply, and Baton Rouge Hdwe	RE
615	Breffeihl, L	Acme Warehouse, Inc.	H
616	Rellstab, W F	J Aron and Co., Inc.	H
617	Hand, A G	Builders Mfg. Co.	BO, JT
618	Fowler, W O	Southern Wipers, Inc.	BO, JM
619	Murphy, A R	Genl. Asbestos & Rbr.	RE
620	Balliew, S	Steveco	D

Witness No.	Witness Name	Company Name	Application Supported
521	Whited, R	Miller Falls Co.	D
622	Plunkett, C G	Guardian Chemical Co.	D
623	Yawn, J L	Godchaux, Inc.	RB
624	Howell, E	Wright Root Beer Co.	RB
625	Vaughan, W H	Paine Refrig. Supply Co.	S
626	Moore, T O	Southern Pipe & Supply	S
627	Carpenter, J	Home Supply Co.	S
628	Bennett, D D	Industrial Supply Co.	S
629	Hill, J E	Jantzen Southern, Inc.	BO, JM
630	Sugar, L G	Monroe Whls Drug Co.	BO, JM
631	Kaplan, C I	Standard Bag Co.	BO, JM, RB
632	Garner, J W	Stayon Products, Inc.	BO, JM
633	Johnson, J	Scovill Mfg. Co.	BO, JT
634	Ford, E G	Bechik Products, Inc.	BA
635	Heintz, C G	Elmer Candy Corp.	BO
636	Canedy, C T	Trend Mills, Inc.	BA
637	Kenerley, U S	Wolverine Tube	BO, JT
638	Watson, D	Selig Mfg. Co.	BO, JM
639	Hutcherson, J	Lewis Grocer Co.	JT
640	Hazlewood, D G	American Decorators	H
641	Waring, J D	Flint Ink Corp.	H
642	Klare, D	Klare Floor Covering	H
643	Graf, C J	Mon-Arc Welding Supply	H
644	Nizynski, W F	W. T. Grant Co.	BO, JM
645	Sparks, W W	Sparks Specialty Co.	BO, JM
646	Fertitta, F	Schlesengers Wholesalers	H
647	Dunigan, L E	Miss. Refri. Supply Co.	S
648	Gnocchi, J J	General Electric Co.	RE
649	Fish, H W	General Electric Co.	RE
650	Gibson, V W	Southeastern Products	D, BA

Witness No.	Witness Name	Company Name	Application Supported
651	Mize, H	McQueen Foundries, Inc.	D, S
652	Dabbs, E	American Fence Co.	D
653	Deaver, F E	Moore-Handley, Inc.	RE, S
654	Wallace, J K	Patterson Drug Stores	S
655	Creswell, H P	Baton Rouge Whls Drug	RB
656	Bogie, D T	Nelson & East Ford Co.	RB
657	Guillotte, C M	Superior Sewing Mach.	RB
658	Levin, S M	A.M.L. Corp.	BO, JM
659	Miller, J C	Natl. Advertising Co.	BO, JM
660	Avis, F H	Blumenthal Print Wks	RE
661	Dixon, H E	F Strauss & Sons Gibson Whlse Dist. Gulf Gibson Whls Dist. H. Michel Dry Goods Co.	JM, RB
662	Sides, E	James A Head & Co.	S
663	Burkey, N A	Chemical Solvent Co.	S
664	Maloney, G J	Gering Plastics Co.	RE
665	Haynes, C	Chris Haynes Elec Supply	S
666	Ufert, T R	Gym Dandy, Inc.	BO, JM
667	Blakeney, J C	Display Fixtures Newstand Fixtures Co.	BO, JM
668	Wiley, C	N. Carolina Display Fixt.	BO, JM
669	Rich, D F	Sinclair & Valentine	BO, JM
670	Cook, H	Hartwell Cook & Asso.	S
671	Langdon, C W	Tom Huston Peanut Co.	BA
672	Lummas, H	Lummus Cotton Gin Co.	BA
673	Badger, C L	Genesco, Inc.	BA
674	Canant, B R	Industrial Piping Supply	BO, JT
675	Worland, P W	Pillsbury Co.	BO
676	English, E	Phillips Van Heusen	BO, JM
677	Fagot, H	Flintkote Co.	BO

Witness No.	Witness Name	Company Name	Application Supported
678	Thornton, C	Solo Lighting, Inc.	JT, BO
679	Zachary, L	Greater El Dorado Com.	JT
680	Bohrer, S	Noah's Potato Chip Co.	RB
681	Sawyer, J E	Daisy Mfg. Co.	JT
682	Boyle, G T	Electron Corp.	RB
683	Gabe, V D	Gates Rubber Co.	RB
684	Aycock, L J	Aycock Dist. Co.	S
685	Albritton, A	Bruner Ivory Handle	S
686	Prince, S E	Prince Poultry, Inc. Prince Mfg. Co. Yost Hatch & Feed Lincoln Egg, Inc. S. E. Prince Co.	JT
687	Crawford, W	Butler Mfg. Co.	BO
688	Pryor, F	Hygeia Coca Cola Bottl.	BO
689	Osborn, P A	Memphis Furn. Mfg. Co.	H
690	Davis, E L	Merle Norman Cosmetics	H
691	Wilson, J K	Wil-Mar Supply Co., Inc.	S
692	Toner, J A	Chipman Chemical Co.	BO, JT
693	Tillery, L D	Tillery Container	RB
694	Hayden, D	Hallmark Cards, Inc.	BO
695	Robertson, M	Topeka Motor Freight	JT
696	Fisher, R W	L T York Co.	RB
697	Treptow, R F	H D Lee Co.	RB
698	Finken, E S	Vendo Co.	BO
699	Kinsinger, E R	Tubular Service Corp.	RB
700	Jacobson, J	Natl. Packing Co.	RB, JT

Witness No.	Witness Name	Company Name	Application Supported
701	Rush, E	Ebling Case Co.	JT
702	Moss, W I	Midwest Cold Storage	JT
703	Cassidy, J B	Chase Bag Co., Inc.	BO
704	Calvert, P E	Wilcox Electric Co.	BO, JT
705	Bender, L	C F Bender Co.	BO, JT
706	Lindley, J	Kansas City Western	JT
707	Fergerson, O O	Gustin-Bacon Mfg. Co.	BO, JT, RB
708	Burks, J	Coop Rose Growers	RB
709	Charles, B	Fairbanks Morse Co.	BO, JT, RB
710	Evans, G L	Amer. Greeting Corp.	JT
711	Cavender, C C	Hammons Products Co. Gravette Shelling Co.	BO, JT
712	Helchen, H	Sunflower Packing Co.	JT
713	Aldrich, F M	Hutchens & Son Metal	JT
714	O'Bryant, W J	MFA Packing	JT, BO
715	Moore, T D	Medart Lockers, Inc.	BO, JT
716	Swenson, H J	Brackett Stripping	BO
717	Starkebaum, A H	Henry Mfg. Co., Inc.	BO
718	Scates, J W	Conwood Corp.	H
719	Coulas, G A	Chemagro Corp.	BO
720	Dods, J E	Ampex Corp.	RB
721	Page, G J	Dana Parts Co.	RB
722	Rhynehart, J C	Nunn Mfg. Co.	RB
723	Mauldin, J	Blades Mfg. Co.	JT
724	Shannon, D	Metal-Fab, Inc.	JT
725	Brown, H D	Russell Stover Candy	RB

726	Gourley, H W	McBee Systems	BO, JT
727	Cain, R	Marley Co.	BO

Witness No.	Witness Name	Company Name	Application Supported
728	Frank, L J	Koch Refrigeration	BO
729	Minturn, C	Horn Trans., Inc.	JT
730	Davis, A	Carps, Inc.	JT
731	Hertz, H	Lee's Dresses	BO
732	Harmon, D M	Noel Water Co.	JT
733	Boswell, W	Elder Mfg. Co.	BO, JT
734	Barnett, F	Jamco, Inc.	JT
735	Barr, T	Harry G. Barr Co.	JT
736	Shirey, C	Shirey Co., Inc.	BO, S
737	Bevan, W	Cal-Dak Industries	BO, JT, RB
738	Burr, D L	Virco Mfg. Corp.	BO, JT
739	Farneaux, L	Chamberlain Schl Furn.	BO, JT
740	Watson, D	McDermott, Tom P.	JT
741	Ashmore, J	Goodner Van Co.	JT
742	Procter, G	Conley Corp.	JT
743	Collman, J	L. O. Hammons Mens Str.	RB
744	Harris, L	Gravette Shelling Co.	JT
745	Saxon, H R	Saxon's Alum. Irrig. Co.	JT
746	Alverson, R	Carpetland	JT
747	Amyx, B A	Texas Temp Glass Co.	RB
748	Thomas, R D	Traffic Signals, Inc.	RB
749	Hall, J C	Smith Tank & Eqpt. Co.	RB
750	Keith, E F	W. L. Somner Co.	RB
751	Newhouse, P R	Grapette Co., Inc.	BO
752	Russell, J E	James H Matthews & Co.	BO
753	Thomas, S	Metalines, Inc.	JT
754	Fish, W D	St. Regis Paper Co.	BO, JM
755	Bullock, C S	C.R.C. Crose Intnl.	JT
756	Grigsby, H	Grigsby Carpet Co.	JT
757	Watley, J	Laminates Unlimited	JT

Witness No.	Witness Name	Company Name	Application Supported
758	Thurston, D	Tyler Pipe & Fdry. Co.	RB
759	Leonard, R	Kearney Co.	RB, JT
760	Williams, J R	Phillips Supply Co.	BO
761	Robertson, H	Nelson Furniture Co.	JT
762	Rowland, B E	Bert's Window Screen	JT
763	O'Sullivan, W H	Carrier Air Cond. Co.	RB
764	Ouzts, L	Democrat Prtg. & Lith.	JT, BO
765	Ryle, W E	Ryle Mfg.	RB
766	Drew, J	Schevelle Homes Mfg.	RB
767	Driggers, M J	Raybeston Manhatten	BO, JM
768	Streber, V	Gibson Products Co.	JT

769	Caruthers, T A	Caruthers Refr. Co.	BO
770	Call, D	Univ. Distributors	JT
771	Fouse, C	Tobler Corp.	S
772	Belveal, F	Fashion Floors, Inc.	JT
773	Matthews, S A	R G Letourneau, Inc.	BO
774	Donnelly, P	Moldwood Plastic Prod.	JT
775	Smith, D L	Lebus Mfg Co.	RB
776	Van Poucke, M	Ralph Jones Co., Inc.	JT
777	McNeiland, S	James S. Kone Co.	RB
778	Hale, J M	Sterling Stores Co.	BO
779	Bogle, R L	Cash Wholesale Co., Inc. Walton Stores; Wal-Mart Strs	JT
780	McKinney, C	Blair Mills, Inc.	BO, JM
781	Fine, J O	Fine Truck Line	JT
782	Podulski, D	Mec-O-Matic, Inc.	BO

Witness No.	Witness Name	Company Name	Application Supported
783	Koch, C	Tulsa Trim Supply	JT
784	Couch, C	Std. Register Co.	JT
785	Pool, B	Alum Window Products	JT
786	Brantley, G	McGaw Labs, Inc.	BO
787	Allen, D	Allen Canning Co.	JT
788	Turner, B H	Arnold Cellophane Corp.	BO
789	Ellerd, S	Robertson Factories	JT
790	Payne, E M	Three Beall Bros.	RB
791	Moore, J	Webb Wheel Co.	JT
792	Akin, K L	King Candy Co.	S
793	Newsom, R E	Texas Refinery Corp.	JM, BO
794	Stash, R A	Regal Plastic Supply Co.	S
795	Rhyne, H G	Rhyne Floral Supply Co.	BO, JM
796	Ackles, G	Henson-Kickernick, Inc.	S
797	Westfall, G	Industrial Steel Bldg.	RB
798	May, C	Sunco Awning Co.	JT
799	Alpuente, E B	Sou Folder & Index Co.	RB
800	Odouj, P D	Roverside Furn Corp. Twin Rivers Furn. Co.	JT
801	Tuder, J B	White Stag Mfg. Co.	BO
802	Martin, A Q	Dittco Products Co.	RB
803	Guess, C	Williams Auto & Ind.	JT
804	Batchelor, E W	Nasco, Inc.	BO
805	Holt, M W	Jasper Fiber Products	RB
806	Parkhurst, B	Bert Parkhurst & Co.	JT
807	Dash, N	Sheila Shine, Inc.	BO
808	Neville, T P	Graham Magnetics, Inc.	RB

Witness No.	Witness Name	Company Name	Application Supported
809	Martini, E F	Ark. Whsle Dry Goods Variety Stores, Inc.	JT
810	Martini, G E	Martini Co., Inc.	JT
811	Whillock, J	Whillock Mfg. Co.	JT
812	Woodward, J	Kent Western Corp. Woodward Bros. Fixture Kent's Supermatic	JT
813	Boyett, G W	Metal Stampings Corp.	BO
814	Burleson, J E	Texas Coffin Co.	RB
815	Mead, P K	Stillwell Canning Co.	JT
816	Henry, J W	Cavalier Corp.	BO
817	Glaspie, J E	Nabors Trailers	RB
818	Flora, J L	Elkhart Products Corp.	JT
819	Alter, P	Shelley Mfg. Co.	BO
820	Waller, D	Waller Ford Co.	RB
821	Clinton, R	Lewis Bros.	JT
822	Cooper, W O	Nocona Boot Co., Inc.	S
823	Prince, C	Westinghouse Elec.	H
824	Raymond, G	Raymond Furniture Co.	JT
825	Huff, J	Louisiana Valve & Fittings	RB
826	Mooberry, J	M & M Equipment Co.	JT
827	Thompson, C	Harding Kindall Glass	JT
828	Schele, R	C R Anthony Co.	S, JT
829	Hensley, R C	Hensley Equipment, Inc. Hensley Elec. Steel	RB
830	Ferguson, W	Vulcan Steel Corp.	BO, JT
831	Henderson, R E	Henderson Coffee Corp.	JT
832	Tate, L	Industrial Supply Co.	RB
833	Lewis, C E	Hurley Co.	BO
834	Rogers, R T	Rogers Hdwe & Lbr Co.	JT
835	Wilhite, W C	Bonded Whse of Monroe	RB

Witness No.	Witness Name	Company Name	Application Supported
836	Haeberle, M L	Phillips Petroleum Co.	BO
837	Johnson, C A	Wilson & Co., Inc.	JT
838	Whitehouse, B	Whitehouse Plastics	S
839	Ogden, D G	Southern Supply Co.	RB
840	Wentz, M R	Ft. Smith Sash & Door Amer. Home Dealers Spl	JT
841	Lauderdale, S B	Mary of Puddin Hill	BO
842	Litteken, T H	T A Litteken & Sons	RB
843	Walters, J	General Business Forms	JT
844	Holtzen, L E	Citation Mfg. Co.	JT
845	Rountree, K L	Ozark Nurseries Co.	JT

846	Cunningham, G W	Grada Products, Inc.	BO
847	Yoes, E	Yoes Office Supply & Furn. Yoes Printing Co.	JT
848	Arnold, C A	Roto Swing Door Co.	JT
849	Bauman, C	Rothchild's, Inc.	JT
850	Rushin, S A	Rushin Upholstery Spl.	BO, JT
851	Brown, K E	Weldon Williams Lick	JT
852	Bryan, J E	Bryan Infants Wear	JT
853	Peques, P M	Rangaire Corp.	S
854	Sanders, H	Bunte Candy Co., Inc.	JT
855	Bolick, E A	Textiles, Inc., Threads, Inc.	BO, JM
856	Stibbe, E C	Pyramid Rubber Co.	RE
857	Cianella, F	Avco-Bay St. Abrasive	JM
858	Jenkins, D R	U S Stoneware, Inc.	RE
859	O'Leary, C	Proctor Silex Corp.	BO
860	Brousseau, J A	Tupperware Co.	JM

Witness No.	Witness Name	Company Name	Application Supported
861	Turner, B W	Std. Cap & Molding	BO, JM
862	Hussnatter, A	Monsanto Co.	RE
863	Devine, H T	Magla Products, Inc.	BO, JM
864	Templar, D L	Westbend Co.	BO
865	Cole, L B	Marks Handkerchief	BO
866	Loreto, A	Deluxe Topper Corp.	BO, JM
867	Novak, J L	Omack Inds.	JM
868	Saunders, A A	Benson-Saunders Spec.	RE
869	Socha, H	Phillip Morris, Inc.	BO
870	McKinney, J R	Texize Chemicals, Inc.	RE
871	Shue, P J	Pennsylvania Dutch Co.	JM
872	Fast, G L	Brown Co.	RE
873	Macon, T G	Sou Press & Filter	BO, JM
874	Page, J G	McNeil Labs., Inc.	BO, JM
875	Miller, J R	Tokheim Corp.	RE
876	Morgan, J P	Kenosha Auto Transpt.	RE
877	Noerr, D G	Noerr Motor Frt., Inc.	JM
878	Razook, T	Louis Hand, Inc.	JM
879	Soforenko, I S	Carol Wire & Cable	JM
880	Crooks, S C	Collyer Insul. Wire Co.	RE, JM
881	Lloyd, G H	Harry & Lloyd, Consultants Lite Control Corp. Wallace Candy Co. Schrafft's Candy Co. General Whlse Sply Co. Sharon Bolt & Screw Dynamics, Inc.	S

882	Barber, G E	Natl. Sponge Cushion	RE
883	Sweed, A T	Foxboro Co.	JM

Witness No.	Witness Name	Company Name	Application Supported
884	Deaver, F E	Moore Handley, Inc.	BO
885	Finger, A E	Nashua Corp.	JM
886	Fair, S J	Allis Chalmers Co.	BO
887	Cohen, M J	Spartan Dept. Stores	S
888	Locks, D M	Richmond Engr. Co., Inc.	BO
889	Bruens, A J	Rockwell Mfg. Co.	RB
890	Robishaw, W H	B.I.F. Industries	RE
891	McBrearty, C K	Dennis Mitchell Inds.	BO, JM
892	Conway, J F	Dunham-Bush, Inc.	JM
893	Cleckley, J	Pyle-National Co.	BO
894	Burbury, H	Pyle-National Co.	BO
895	Leslie, C P	Warner-Chilcott Div.	JM
896	Gerard, W C	Congoleum Narin, Inc.	JM
897	Goodman, R	Meridian Mfg. Co.	BO
898	Dickinson, D O H	Standard Hardware Co.	RE
899	Sutt, E	Colgate-Palmolive Co.	BO
900	Eastman, K	Yankee Distributors	RE
901	Copas, J W	Dymo Products Co., Inc.	BO, JM
902	Van Oort, M J	Hart & Cooley Mfg. Co.	RE
903	Pierce, W E	Dapol Plastics, Inc. Worcester Toy Co., Inc.	JM
904	Loubriel, J	Orangeburg Mfg. Co.	BO
905	Liddell, W A	Liddell Co.	BO, JM
906	Park, M T	Bearings & Trans Sply	RE
907	Baird, H	Ingalls Shipbuilding	RE
908	Beaver, H D	Revere Copper & Brass	BO
909	McGloshen, O V	Continental Mtrs. Corp.	RE
910	Cunningham, H	Goodyear Tire & Rbr	BO, RE
911	Myers, W G	Kinney Shoe Corp.	RE
912	Myers, Woodrow	Gamlen Chem. Corp.	BA

Witness No.	Witness Name	Company Name	Application Supported
913	Deangelis, J F	Max Eckardt & Sons	JM
914	Marsh, V M	Baltimore Paint & Chm. Synkloid Co. of Fla.	BO, JM
915	Morrison, C R	Koppers Co., Inc.	RE
916	Green, R E	United Chair, Inc.	BA
917	Wigglesworth, J G	McCrory McClellan Grn	BO, JM
918	Misener, J	Foster Milerburn Co.	RE

919	Carlson, H R	Monroe Intl., Inc.	BO, JM
920	Bacher, F J	Arrow Co.	RB
921	Helm, D S	Continental Copper	BO
922	Thomas, F W	Republic Steel Corp.	RE
923	Mickens, E F	Becton Dickinson	BO, JM
924	Parker, A	Claxton Bakery, Inc.	BO
925	Darsitano, R S	Wall Rope Works	RE
926	Babcock, J D	Berkshire Hathaway	JM
927	Gloster, G J	P Lorillard Co., Inc. Usen Products Co.	BO
928	Schmidt, M R	P Lorillard Co., Inc.	BO, JM, RE
929	Johnston, H R	Westinghouse Elec.	BO, JM
930	Talbot, C O	General Box Co.	BO
931	Bondura, R L	A B Murray Co.	BO, JM
932	Vaughan, M R	U S Plywood Corp.	BO
933	Powell, C K	Powell Truck Line Holt Truck Line	BO

APPENDIX C

Testimony of Public Witnesses Supporting the Applications

Clothing

Thirty-three of the witnesses who ship or receive clothing within the area involved in these applications testified supporting, in the aggregate, all of the applications except that of Deaton. Some of the witnesses support more than one application. Ten were called by Bowman and that carrier had the support of 16 of the witnesses; Red Ball called 6 and was supported by 7; Johnson 4 and was supported by 16; Herrin also called 4 and was supported by 5; Jones, Strickland, Roadway and Floyd & Beasley all called 2 witnesses each and were supported by 5, 4, 3, and 2 witnesses, respectively; and Baggett was supported by the 1 witness it called.

Eight witnesses testified with respect to their need for transportation service from manufacturers, warehouses, or suppliers of clothing at Atlanta to points or areas within Mississippi, Louisiana, Arkansas, Texas, Missouri and Memphis, Tenn.; and another from Birmingham to Texas, Louisiana and Mississippi points.[1] In the aggregate these nine witnesses support the applications of Herrin, Roadway, Red Ball, Strickland, Bowman, Johnson and Jones. From Atlanta they were presently using the services of Johnson, Bowman, Deaton, Roadway, Ryder, Dixie, Jack Cole, ETMF, T.I.M.E., Gordons, Transcon and Georgia-Highway Express. From Birmingham most of the same carriers were used and in addition, Campbell Sixty-Six. Some of the witnesses complain that the existing services, including those of applicants, are too slow and inconsistent, and

[1] Witnesses Nos. 6, 36, 49, 146, 148, 154, 272, 743 and 920.

that at times pickups are slow and tracing shipments is difficult. Other of these witnesses praise the existing services including those of both the applicants and protestants, and including both single and joint-line service. These nine companies ship or receive approximately 800,000 pounds of freight per month within the area noted, much of which is in small shipments of 100 pounds or less. Rush shipments often are sent by bus, parcel delivery service, or parcel post, depending upon the nature of the emergency and the rate-break weight involved in connection with motor

common carrier service. There is no indication at all of the lack of transportation services available to these shippers. Essentially they express preference for single-line service to a maximum number of points within the area as a means of eliminating time lost through interline, and minimizing tracing and claim problems.

Six of these witnesses testified concerning their need for service from South Carolina points (Seneca, Mauldin, Chester, Belton, Easley) and from Landis, N. C., and another with respect to his need for service from Mayoden, N. C., on traffic moving to Mississippi, Louisiana, Arkansas, Texas, Missouri and Kansas points.[2] Their testimony also relates to approximately 800,000 pounds of freight per month shipped from these origins.

The shipper at Seneca is served by a number of motor carriers. It now uses Ryder on approximately 50 percent of its freight going to Louisiana and Texas points and often uses joint-line services where single line is available as a matter of convenience in moving its freight from its shipping platform. The Mauldin shipper also at times uses joint-line services rather

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[2] Witness Nos. 64, 88, 424, 460, 629, 632, 554.

than the single-line services of Roadway or Ryder. It has not used the respective joint-line services of the applicants it supports. Each of these six shippers is served by a number of motor carriers. They support in the aggregate the applications of Bowman, Johnson, Roadway and Floyd & Beasley. Some have not used the services of the applicants supported, although they are authorized to originate their shipments, while others have used such services and found them satisfactory. Their main complaint of the existing service is that the transit time is slow. Two of the shippers also complain that Ryder and Roadway have failed to give a satisfactory service for pickup of their freight, have expressed no interest in handling their freight, and in fact have suggested that they use other services.

There is conflicting testimony with respect to the shipper at Chester. This shipper formerly depended upon Roadway as its primary carrier to the extent of about 150,000 pounds of freight per month. The witness complained that Roadway discontinued serving the Chester plant on the ground that its imbalance of freight made it impractical to furnish the equipment necessary for the volume of freight involved. The discontinuance of this service necessitated a complete rescheduling of

carrier services to its distribution area. The Roadway witness on the other hand claims that it was the shipper who discontinued using Roadway's service from the Chester plant because of some pickups made after the shipper's 3:00 p.m. deadline, and that Roadway has tried to recapture the freight. According to the Roadway witness this particular company is a valued account having used the Roadway service from both its Cleve land, Ohio and Chester, S. C., plants to the extent of approximately 2.7 million pounds of freight annually, two-thirds of which originates at the Chester facility.

The witness from Mayoden is supporting the Roadway application for single-line service to New Orleans and the Gulf area although it now has numerous joint-line services available including that of Roadway, as well as some single-line service. The shippers at Belton, Easley and Landis supporting the Bowman and Johnson Motor Lines applications now use Bowman as the origin carrier for a large portion of their freight to the area here involved; but along with the other witnesses they urge that single-line service schedules as proposed by these respective applicants will result in improved transit time and better overall transportation service.

Five merchants maintaining stores at Shreveport, La., Floresville, Tex., Oklahoma City, Dallas and West Monroe, La., testified that they need faster and more consistent transportation service for the receipt of their merchandise.[3] In the aggregate they receive about 14,000 pounds of freight per month. Four of them receive the bulk of their merchandise from manufacturers in the southeastern States much of which is routed through Atlanta. They have used the services of various origin carriers including Roadway, Bowman, Johnson, Ryder, Overnite, Transcon, and T.I.M.E. To some of the destinations there is a single-line service, but for the most part the transportation involves joint-line service, breaking over Atlanta, Memphis or Nashville. Two of these shippers support the proposed services of Strickland from Atlanta to Shreveport and to San Antonio (for further interline to Floresville); one supports the application of Herrin from Atlanta to Dallas and one that of Jones from Atlanta to Oklahoma City. The fifth merchant receives his merchandise from various points in Massachusetts, New York, New Jersey, Pennsylvania, the Carolinas and Tennessee, and he supports the applications of both Bowman and Johnson to extend their present services to West Monroe. In the

[3] Witness Nos. 316, 416, 533, 589 and 849.

past the latter witness has relied upon the suppliers to route the freight, and aside from one shipment which was routed via Johnson there is no indication that the witness has had any experience with the joint-line services provided by the carriers he supports for single-line service. These five witnesses have a considerable amount of transportation services available to them, some of which they have not used or were not aware of, and some of which provided them with admittedly pretty good service. They are of the view, however, that the proposed schedules of the applicants they support will be better than the services they are receiving and will benefit their business.

Two witnesses supporting service from Fort Worth to points in Georgia, Florida, Alabama and beyond ship a total of about 16,000 pounds of freight monthly to that area.[4] They have used several existing transportation services including that of Red Ball, Roadway, Mercury, Transcon, parcel post and REA, and complain of slow transit time. One knows of some interline services available, but has not routed his freight beyond the origin carrier, and the other has no knowledge of existing transportation services. Neither has specified the carriers supported (namely Bowman and Johnson, and one also supported the Jones application) in routing their freight.

Two witnesses who testified with respect to their need for transportation service from the New England, Middle Atlantic and Midwest territories to Greenville, Ala., and to Dallas, Tex., support the application of Roadway to the first destination and those of Bowman and Johnson to the latter.[5] They ship in the aggregate approximately 14,000 pounds of freight per month. One shipper has no knowledge of the available services nor why the joint-line service of the applicant it supports has not been tried. The other has numerous joint-line services available

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[4] Witness Nos. 362, 423.

[5] Witness Nos. 180, 361.

including that of the applicant it is supporting, which it has not used. They complain that the service they have received is slow, inconsistent and involves some difficulties in tracing shipments.

Four witnesses support the Bowman application for service from Cedartown and Augusta, Ga., and Chattanooga and Murfreesboro, Tenn., to points in Alabama, Mississippi, Louisiana, Arkansas, Texas, Kansas and Missouri, and from Dallas and Muskogee, Okla., to Murfreesboro.[6] The Cedartown and Chattanooga witnesses

also support the Johnson application, the latter in connection with service from its Pottsville, Pa., facility to points in these States. The Cedartown witness ships approximately 2½ million pounds of freight per month to this area and also has subcontractors located along the Eastern Seaboard which at times ship directly to points in those States but in a volume amounting to only about five percent of the Cedartown shipments. Although a number of carriers serve Cedartown, it uses Bowman on 99 percent of its shipments and finds such service excellent to the interline points of Atlanta and Memphis. However, beyond the interline points the freight is delayed and at times deliveries to the consignees are made in partial lots. The other three witnesses ship an aggregate of approximately 75,000 pounds per month within this area. They have available a number of motor carrier services, single line to some points and joint line to others. They have experienced slow and inconsistent transit time and delays in pickups. It is their belief that the proposed schedules of the applicants supported will improve their transportation service.

Three witnesses supporting respectively the Baggett, Jones and Floyd & Beasley applications, and one the Red Ball and

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[6] Witness Nos. 323, 676, 801 and 865.

Strickland applications ship an aggregate of approximately 120,000 pounds of freight per month within the area.[7] The witness supporting the Baggett application seeks service from Montgomery, Ala., to Dallas and Houston. He complains that the services being used are unsatisfactory in that the Roadway pickup at Montgomery is not dependable and that the West/Red Ball joint-line service is slow. Baggett's terminal is located near the plant and that carrier now handles about 80 percent of the shipper's freight. There is no information whether the shipper has any experience with Baggett's joint-line service to Texas points. The shipper expressed the view that the Baggett proposed service and schedules would improve transit time as well as simplify pickup and tracing problems. The witness supporting the Jones application is primarily interested in shipments from St. Louis destined to Florida points moving over the Atlanta gateway. There are many carrier services available between St. Louis and Atlanta, some of which have not been used because they have failed to solicit this shipper's freight. The shipper's support is based upon the proposition that the proposed Jones' second morning delivery to connecting lines in Atlanta will provide a third morning delivery of the freight at the north Florida destinations. The support of the Floyd & Beasley application by the Cisco, Tex., shipper is to reduce its present 3-line service between Cisco and Greenville, Ala., to a 2-line service.

- 5 -

This freight generally moves in truckload quantities of about 24,000 pounds two or three times a month. The witness supporting the Red Ball and Strickland proposed services from Dallas to Greenville, Miss., is not using the existing Jones' service because of unsatisfactory pickups, and complains that at times Gordons, which it is using, fails to make its pickup prior

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[7] Witness Nos. 568, 730, 235, 275.

to the normal 5 p.m. closing time. Its volume of freight amounts to approximately 1,500 pounds per month.

These 33 clothing witnesses are not without available transportation services. Their support is based upon the inadequacies of those services. For the most part their shipments are in small lots and the product is seasonal in its saleability. Inventories necessarily are limited because of economic considerations. Orders often are of an emergency nature such as to meet a certain advertised sale, or are reorders of depleted stock. The availability, dependability and speed of transportation service are very real factors in determining the competitive position of these shippers in a particular market area. Yet, many of these witnesses are not familiar with the existing transportation services available, have not tried the joint-line services of the carriers they support for single-line service nor the services available from other carriers, are using joint-line services at times when single-line is available, and few have made any real efforts to solve their transportation problems. To a large degree the schedules proposed by the particular applicant supported form the bases of their support.

Piece Goods Inbound—Clothing, Drygoods Outbound

Twenty-eight of the witnesses testified concerning the needs of their companies for transportation services to bring piece goods or supplies inbound to their plants and for the shipment of the finished articles outbound. In the aggregate they support all of the applications except those of Baggett and Deaton. Johnson Motor Lines and Jones called 5 witnesses each and each was supported by a total of 8 witnesses; Bowman called 3 witnesses and was supported by a total of 11; Strickland called 7 witnesses, Herrin 4, Red Ball 2, and Floyd & Beasley and Roadway 1 each and these carriers were supported only by the witnesses they called.

All of the witnesses except one receive piece goods from points in the Carolinas, Georgia, Alabama or Mississippi and about half also receive such material from points further along the Eastern Seaboard between Virginia and New England. This inbound freight amounts to more than a million pounds per month. The total volume of the outbound finished products moving to or through

the points involved in these applications is not disclosed although from the partial data available it may be concluded that it is considerably less than the volume of the inbound materials. For the most part the outbound shipments are destined to points in the South and southeastern States but in some instances move on into the Middle Atlantic and eastern States.

Eighteen of the witnesses receive inbound shipments at Texas points, including 10 at Dallas, 2 at Houston, and the others at Fort Worth, Greenville, Sulphur Springs and Denison (the latter three points being north and east of Dallas).[8] All but three ship clothing outbound and those three ship such finished items as towels, linens, draperies and blankets. Several of these witnesses were not experienced in traffic matters and had no knowledge of the transportation services available to meet their needs nor of what steps, if any, had been taken by their respective companies to obtain better transportation services. Some have not routed any of their shipments, some have routed only the origin carrier, and one routes only those in which freight forwarders' services are used. One witness supporting two applicants was not aware that between them they could now render a joint-line service to handle his freight. Others are supporting joint-line services of applicants which amount only to a change of the interline point at which the applicants will receive or

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[8] Witness Nos. 222, 278, 289, 298, 401, 407, 346, 419, 420, 457, 425, 268, 796, 736, 538, 539, 455, 697.

deliver the freight. These 18 witnesses have a number of transportation services available, some single line and some joint line.

Four of the 18 complained of incidents in which carriers had failed to make pickups promptly on their outbound shipments. One of these is located on a third floor and another does not begin calling the carriers for pickup until 3 p.m. and closes its plant at 5:30. For both of these shippers it appears that a cooperative effort with the carriers serving their plants may be helpful in solving this problem. A number of the witnesses complain of the failure of the carriers to render a consistent service. The one complaint common to these 18 witnesses is that the transit time of the existing service is slow, or at least it is their opinion that service conforming to the proposed schedules of the applicants they support will result in faster service that they are experiencing.

- 7 -

Five of the witnesses support applications for the transportation of piece goods or yarn inbound to certain Arkansas points, and of clothing outbound.[9] These include clothing manufacturers at Magnolia, Cabot and Ashdown, Ark., and a hosiery manufacturer with plants at Fayetteville, Bentonville and Siloam Springs. The Magnolia witnesses want single-line service between the Magnolia plants and Chicago, Kansas City, Dallas, Atlanta and Birmingham. They believe that such service will provide faster and more consistent transit time for the receipt of supplies and for the outbound shipment of their finished products to those key cities and to points beyond. Both Southwestern and Red Ball maintain terminals at Magnolia; both provide single-line service to Dallas; and Red Ball also provides single-line service to Kansas City. The witness stated that the Red ball service was not satisfactory when last used some 6 to 9 months prior to his testimony.

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[9] Witness Nos. 414, 611, 481, 549, 132.

Neither of the carriers supported by the Cabot witness propose to serve Cabot, but under their respective proposals they will provide a joint line service with Little Rock rather than Memphis as the interline point. Similarly, the Ashdown witness is supporting a joint-line service via Shreveport. That type of service is now available, but the witness was not familiar with the existing transportation services. The witness supporting the Jones application for service between Atlanta and Birmingham, on the one hand, and, Fayetteville, Bentonville and Siloam Springs on the other, is now using Jones in a joint-line service, but prefers single-line to eliminate delays caused by interline. There are a number of other joint-line services also available as well as some single-line services not being used.

A manufacturer of bedding fabrics in Jackson, Miss., one of bathrobes in Meridian, Miss., and one of lingerie at New Orleans and Ponchatoula, La., receive piece goods primarily from points in the Carolinas as well as some from other points in the Southeast and East. [10] One does not route its inbound freight and has no experience using the inbound joint-line services of the carriers it is supporting for single-line service. Another in the past has used the joint-line service of the carrier supported and found it to be good, but is not now using it even though complaining that the service being used is slow and inconsistent. The third

is reasonably satisfied with the service being received both inbound and outbound, but wants an additional carrier, and also desires faster service. All have a number of other services available both inbound and outbound including some single-line services to a number of the points involved.

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[10] Witness Nos. 206, 897, 563.

Of the remaining two witnesses[11] one manufactures curtains and drapes with plants at Oklahoma City and Atlanta between which he ships approximately 5,000 pounds monthly in each direction, and also receives inbound shipments of piece goods at Oklahoma City from the Carolinas. He has single-line service available between Atlanta and Oklahoma City by two carriers but their transit time has not been satisfactory. Joint-line service available from the Carolinas also has not been satisfactory from the standpoint of transit time and consistency of service, although it has improved with the recent use of Bowman as the pickup carrier with interline to Jones at Memphis. There are numerous pickup carriers in the Carolinas which interline freight at Atlanta or Memphis. The other witness supports a proposed service for the transportation of clothing from Andalusia and Troy, Ala., to Fort Worth, Dallas, Houston, Beaumont, Orange and Texas City, Tex., and Baton Rouge, La., with the return of supplies from Orange and Brenham, Tex. The present joint-line services available are said to be not totally satisfactory because of delays attendant the interlining of the freight. Elimination of this delay will result in a much improved service. The freight is interlined over either the Birmingham or Mobile gateways.

The testimony of these 28 witnesses does not indicate any shortage of available transportation services to handle their freight. As with other witnesses they urged that faster transportation service is economically essential to their business in order to operate satisfactorily with minimum inventories, and that a more consistent service is needed for the maintenance of production lines and delivery schedules. Most indicate an anticipated growth in their business which will in turn require more and better transportation service. The support of the various applications by these witnesses is based largely upon their pro-

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[11] Witness Nos. 789, 234.

posed service schedules which the witnesses believe will be an improvement over existing services.

- 9 -

Textiles

Thirty-five of the witnesses testifying as to their need for the proposed services of the applicants for the transportation of textiles are interested primarily in service from the mills to the finishing or product manufacturing sites. In the aggregate these 35 witnesses support all of the applicants except Deaton. Eleven of the witnesses were called by Johnson, Floyd & Beasley and Bowman each called 7 witnesses, Jones called 4, Roadway 3, and Strickland, Baggett and Herrin 1 each. Many of the witnesses support more than one of the applicants.

Sixteen of these witnesses testified on behalf of both Johnson and Bowman; 5 of the 16 also support the Jones application, 2 that of loyd & Beasley, and 1 that of Red Ball.[12] These witnesses can control the routing of well over 2 million pounds of freight per month. Three additional witnesses supporting Johnson alone, 2 supporting Bowman alone, and one supporting Strickland and Bowman also have a total of over 2 million pounds of freight monthly moving into the territory here involved.[13]

One of the 16 witnesses (also supporting the Floyd & Beasley application) is interested in the shipment of Mexican greige goods through the port of entry at Laredo, Tex., to Griffin, Ga., and various mill points in the Carolinas. He is now using rail service primarily because of difficulties encountered with motor carrier tariff restrictions against the applicability of through

[12] Witnesses Nos. 13, 28, 295, 128, 215, 216, 217, 243, 247, 258, 320, 331, 397, 402, 574, 631.

[13] Witness Nos. 76, 290, 926, 194, 731, 276.

rates to shipments involving more than a 2-line service, and also because of tracing and interline problems. He has not tried the existing 2-line services to many points of Ryder or Roadway through the Houston gateway, and expressed the opinion that a traffic manager should have the right to select whatever carrier he wishes.

The other 21 of this group of witnesses testified as to their needs for the proposed services of the applicants primarily from Carolina points, but also to a lesser extent for shipments originating in Georgia, Alabama, Gonzales, Fla., and points in the eastern States between Virginia and Massachusetts. Nine of them receive their shipments at Dallas, 1 at Taylor, Tex.,

1 at Jackson, Miss., and the others at various points in Texas, Oklahoma, Arkansas, Mississippi and Missouri. They use the services of numerous carriers, some in single-line service and others in joint-line. These include as origin carriers in the eastern States Roadway, Strickland, Consolidated Freightways, McLean, various carloading companies and shippers' association; from the southern points some of the origin carriers used are Roadway, Thurston, Bowman, Overnite, Ryder, New Dixie, Huckabee, and others.

Their common complaint against the existing service is that it is too slow and inconsistent. Two of the witnesses experienced the closing of their production lines because of lack of materials. Another complains of difficulties encountered with three-line service although acknowledging that some of the mills use a short-line affiliated motor carrier to originate shipments at the mills, notwithstanding the fact that there are numerous motor carriers authorized to serve the plants directly for shipments moving into the areas here involved which are capable of furnishing either single or 2-line service. Several of the witnesses

do not order supplies until after they receive orders for their custom-made products. Being seasonal products the order often specify a maximum delivery date and it is therefore urgent that they receive their supplies very promptly after the orders are placed. The evidence disclosed however, that a number of these witnesses place their orders through New York brokers who in turn order the materials from various mills, and the witnesses do not know from which mill they will receive their supplies. As a consequence they generally leave the routing of shipments up to the suppliers.

These 22 witnesses want as much single-line service as possible. Some have not tried the joint-line services of the applicants they are supporting for single-line service. There is no shortage of available transportation for these witnesses but they believe that a service conforming to the proposed schedules of the applicants they support will be an improvement over the existing services and will be of material assistance in reducing inventory costs, maintaining production schedules, increasing business, and in meeting the commercial needs of their customers and clients.

In addition to the 5 witnesses who supported the Jones application along with those of Johnson and Bowman, 2 other witnesses support the Jones application alone and 1 that of Bowman and Jones.[14] The two witnesses supporting

the Jones application alone receive piece goods at Springdale, Ark., and Tulsa, Okla., respectively. Each receives approximately 1,000 pounds of such goods per month from mills in the Carolinas, Georgia, or Alabama. One now uses the joint-line service of Jones over the Memphis gateway, and both are of the opinion that the proposed joint-line service of Jones over

[14] Witness Nos. 811, 852, 733.

the Atlanta gateway will be beneficial to them. The witness supporting both the Bowman and Jones applications receives monthly approximately 65,000 pounds of piece goods from the Carolinas at his Webb City and Carl Junction, Mo., plants (near Joplin). He now uses Jones and Campbell Sixty-Six as delivering carriers over the St. Louis gateway. He has never tried the existing Bowman/Jones service now available over the Memphis gateway, or the 2-line services available over the Joplin gateway. The witness believes that the use of Jones over the Atlanta gateway and Bowman over the Springfield gateway will result in improvement over the present transit time for this freight.

Besides the two witnesses supporting the Floyd & Beasley applications along with those of Johnson and Bowman, five other witnesses support the Floyd & Beasley application only.[15] The testimony of these witnesses relates to approximately 1.5 million pounds of freight per month moving to Texas and Louisiana points primarily from Alabama mills, with some also from South Carolina mill points and Chattanooga, Tenn. From the Alabama mill points Floyd & Beasley has been the predominant originating carrier interlining such freight with various other carriers such as Mercury, Ryder, Gordons, and others. Roadway and Ryder also have been used by these shippers both in single-line and joint-line service. One of the witnesses complained of damage to the cartons containing his freight which requires repacking the goods, and another complained of damage to the cargo. The latter, however, reported that he was correcting that problem through another carrier. One witness reported an occasional equipment shortage by Roadway; and all want faster transit time for their shipments. The witness controlling about 1.25 million pounds of this southwest freight per month ships a total of about 125 million pounds per year from its 12 Alabama mills and uses the service of Floyd & Beasley

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[15] Witness Nos. 110, 233, 237, 241, 545.

as the originating carrier for about 95 million pounds of that freight including the movement to Texas and Louisiana. Although other carriers' services are available the Floyd & Beasley service is the one used. These

witnesses believe that single-line service as proposed by Floyd & Beasley will improve their transit time and their general transportation service.

The Roadway application is supported for service from Utica, N. Y., Etowah and Elizabethton, Tenn., Coosa Pines and Childersburg, Ala., primarily to New Orleans and Mobile ports, and from Atlanta as well as some mill points in the Carolinas and Virginia, to Pensacola, Gonzales, Mobile, New Orleans, and Baton Rouge.[16] The companies supporting that service ship over 12.5 million pounds of freight per month to those destinations. From some of the origins Roadway's proposed service is joint-line. These shippers have numerous carrier services available including those of some of the applicants and they use many of them. However, they have found the existing services not entirely satisfactory from the standpoint of transit time, especially with respect to New Orleans and Mobile destinations and support the Roadway application for additional service as proposed in its application. A third witness supports the Roadway application from Gonzales, Fla., to points in Illinois, Indiana, Michigan and Ohio.[17] Again there are numerous services available, some of which have been used and some not used. Among the services not tried include the joint-line services of some of the applicants who are being supported by this same company for service from Gonzales to points in the south and

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[16] Witness Nos. 139, 142.

[17] Witness No. 862.

southwestern States. The witness expressed his preference for the proposed single-line service of Roadway.

The witness supporting the Baggett application for service from Columbus, Ga., to Dallas, Fort Worth and Houston[18] uses the single-line services of Roadway and Ryder and the joint-line service of Dixie ETMF, Herrin, or Red Ball. He ships about 70,000 pounds of fabrics per month to the Dallas-Fort Worth area and a considerably lesser amount to Houston. He has found the service of Dixie ETMF good and also is aware of other single-line and joint-line services. The witness supporting the Herrin application for service from Atlanta (as a gateway point for joint-line freight) to

Dallas now uses the services of Roadway, Transcon, ETMF, and Mercury.[19] Approximately 5,000 pounds of textiles per month are involved. He is of the opinion that both the Roadway and Transcon schedules call for overnight service from Atlanta to Dallas and complains that he is not receiving such service. He supports the proposed second-day service of Herrin.

From the foregoing it will be noted that these 35 witnesses are not without transportation services. Most complain that the services which they are using are too slow and too inconsistent to meet their needs. Some have been less than diligent in investigating the availability of existing transportation services or in trying other routings to obtain more satisfactory service. A belief that service conforming to the schedules as proposed by the applicants they support will result in improved transit time for their shipments forms the primary basis for their support of the various applications.

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[18] Witness No. 163.

[19] Witness No. 478.

Toweling—Bedding—Curtains—Upholstery

Fourteen of the witnesses supporting in the aggregate all of the applications except those of Deaton and Red Ball testified with respect to their need for the transportation of toweling, bedding, curtains and upholstery materials and related items. Johnson called 5 of the witnesses and was supported by a total of 8 (one of whom also supported the Jones application); Bowman called 2 witnesses and was supported by 7; Baggett and Strickland also called 2, and Herrin, Floyd & Beasley and Roadway 1 each and were supported only by their own witnesses.

Johnson and Bowman received support from three witnesses for the transportation of toweling, linens and related items from Startex, S. C., to Dallas, Fort Worth and Houston, from Kannapolis, N. C., to Dallas, and from Belton, S. C., to points in Mississippi, Louisiana, Arkansas, Texas, Missouri and Kansas.[20] One of these also receives at Dallas shipments of golf carts and parts from Charlotte. Two other witnesses supporting the Strickland application for service out of Atlanta to Houston, Sequin (50 miles east of San Antonio) and Mesquite receive shipments of similar items and of mattress covering and ticking from suppliers in the Carolinas, Georgia, and Fairfax, Ala.[21] The total volume of this

freight amounts to approximately 155,000 pounds per month. These five witnesses now use the single-line service of Ryder and Roadway to some points and many of the joint-line services now available, for example, using as origin carriers Thurston, Overnite, Georgia Highway, Youngblood, G & P, Hennis, New Dixie and others, and as delivering carriers Herrin, Central, Transcon and ETMF. One of the witnesses describes his present

[20] Witness Nos. 178, 405, 780.

[21] Witness Nos. 48, 527.

service to Sequin, Tex., as good, but he favors an additional carrier for competitive reasons. Another who had used the single-line service of Roadway from Kannapolis and Charlotte to Dallas up to about two years ago now uses the joint-line service of Johnson or Bowman as origin carriers and ETMF as delivering carrier. He favors the proposed 2-day single-line service of the applicants supported. Two of these witnesses have not tried the joint-line services of Bowman or Johnson as originating carriers to Texas, Louisiana, Mississippi, Arkansas or Missouri points, one being unaware that Johnson is now authorized to perform a single-line service to New Orleans. One also complained of Ryder's 3-line tariff restriction affecting the application of through rates and stated that its sales activity in Louisiana and Mississppi had been substantially abandoned because of poor transportation service. This witness has used 2- and 3-line service where single-line service is available. All complain that present transit time is slow and would be improved if the applicants were authorized to operate as contemplated in their proposed schedules.

The Baggett application is supported by two witnesses,[22] one for service from Montgomery, Ala., to Dallas and the other from Centre, Ala. (23 miles northeast of Gadsden), to Texas points. They manufacture bedding items such as pillows, mattresses and covers, pads, etc., and furniture and bedding binding tapes. They ship about 36,000 pounds of such materials monthly to Texas points. From Montgomery the shipper has used the single-line service of Roadway but because of difficulties in obtaining pickup service from that carrier now uses primarily the joint-line service of Baggett or A-OK and their respective connections. The pickups for the joint-line service have been very good. The witness was not informed as to service beyond the origin carrier. From Centre the shipments are originated primarily by Baggett and some by a local carrier and

[22] Witness Nos. 285, 634.

are interlined with connections over the Birmingham gateway. The shipper has not used Baggett's service over the Mobile gateway

- 15 -

for interline with Red Ball or other carriers serving Texas points, nor has he routed the freight via the Memphis gateway. He prefers to have single-line service for his shipments.

The other two witnesses testifying with respect to their transportation needs for the shipment of bedding items support respectively the application of Roadway from New Orleans to points in New England, Central, and Southern territory served by Roadway, and those of Floyd & Beasley, Johnson and Bowman for service from Westminister, S. C., to Louisiana, Texas, Arkansas, and Mississippi points.[23] These witnesses are not critical of their present service but are interested in having additional single-line services available. They ship approximately 140,000 pounds monthly from these origins to the areas noted.

Five of the 14 witnesses testified concerning their transportation needs for the movement of drapery, curtain and upholstery materials.[24] Three support the Johnson and Bowman applications (one of whom also supports Jones), a fourth supports Johnson alone, and the fifth supports the Herrin application for service from Columbus, Ga., to various points in Louisiana, Arkansas, Texas and Memphis. The latter witness ships approximately 200,000 pounds of upholstered materials monthly to the specified area. He has several transportation services available some of which are not used. Ryder is used to Mem-

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[23] Witness Nos. 14, 660.

[24] Witness Nos. 191, 370, 498, 501, 878.

phis, Shreveport and as a connecting carrier to Arkansas points, Roadway for some single-line services, and Dixie is used to Louisiana points and also as a connecting carrier with Herrin to Texas points. He has not used the services of Bowman, Baggett or Johnson for some time, nor has he routed freight over the Atlanta gateway. He complains of unsatisfactory transit time and failure of carriers to observe routings. Support of the Bowman, Johnson and Jones applications is based upon satisfactory transit time on shipments originating in the Carolinas, Georgia, Pennsylvania, New Jersey, New York, Massachusetts, and New Hampshire to Dallas and Houston, and for the Johnson application alone from Fall River, Mass., to points in Louisiana, Mississippi and Texas. The latter service involves approximately 150,000 pounds of curtain and drapery materials per month to the three States. The witness supporting that service does not want to use any carrier for his less-than-truckload shipments (ranging from 200

to 600 pounds each) which routes the freight through a break-bulk point prior to interline. In the past he has used the services of forwarding companies, Strickland, McLean, and others. There are other available services which he has not used including Johnson's joint-line service. One of the witnesses uses bus service for about 60 percent of his materials but would prefer a lower cost truck service if transit time were satisfactory; another, who is not particularly dissatisfied with the transportation services used, has made no investigation as to what other services are available.

As for these 14 witnesses there is a substantial amount of transportation service now available for their use; most have not tried some of the existing services or have not tried them for some period of time; some are not critical of their existing service but favor any improvement and more service; and some of

the services being used involve circuitous routing. The principal complaint of these witnesses about their present service is that it is slow and inconsistent.

Thread, Yarn, Miscellaneous

Six witnesses testified with respect to their need for transportation services for the movement of thread and yarn and six for the movement of some miscellaneous textile items. In the aggregate they support all of the applicants except Roadway and Baggett. Bowman called 5 of the witnesses and was supported by 1 other; the remaining applicants each called 1 witness. Johnson was supported by a total of 5 witnesses, Red Ball and Jones 2 each, and the others by only their own witness.

Six witnesses shipping approximately 750,000 pounds of yarn and thread monthly within the area here involved support in the aggregate the applications of Deaton, Jones, Red Ball, Floyd & Beasley, Bowman and Johnson.[25] The Deaton, Jones and Red Ball applications are supported for service from Atlanta to Dallas or from Dallas to points in Arkansas on U. S. Highway 82. The shipper supporting these applications is now using the joint-line trailer interline service of Deaton Jones over the Greenville, Miss., gateway from Atlanta to Dallas and has found that service satisfactory. Although he is aware that there are single-line services available he is not familiar with them. On shipments from Dallas to Arkansas points Southwestern and Jones are used to their respective points and the shipper also is aware that there are other carrier services available.

- 17 -

About 98 percent of the freight of the shipper supporting the Bowman, Johnson and Jones applications for service from

[25] Witness Nos. 61, 255, 111, 428, 703, 855.

Marion and Sevier, N. C. (35 to 40 miles east of Asheville), to Dallas moves in truckload lots and now primarily in piggyback service. The witness for this shipper was not aware of any single-line service now available. His objections to the rail service are that some delay is encountered in accumulating two trailerloads before moving the freight, and that at times the rail service requires four days instead of its scheduled three-day service. The Bowman and Johnson applications also are supported for service from Gastonia, N. C., to points in Arkansas, Louisiana, Mississippi, Texas and Missouri and that of Bowman alone for service from Lowland, Tenn. (located in eastern Tennessee), to Kansas City. The latter operation involves approximately 3,500 pounds of freight per month moving in one of several available joint-line services. The witness complains that it is too slow. He favors a single-line service. There are numerous transportation services out of Gastonia which are used by the witness supporting the Bowman and Johnson applications. These include both joint- and single-line service, some of which is stated to be satisfactory. The principal complaint of this witness is that he considers the service to some Mississippi and Texas points to be too slow and inconsistent to meet his transportation requirements.

Support of the Floyd & Beasley application is for service from Bon Air, Ala. (40 miles southeast of Birmingham), to Dallas. Shipments are made daily to Dallas and occasionally to Terrell and Forney, Tex., using the joint-line service of Floyd & Beasley ETMF. Floyd & Beasley is the originating carrier for most of this shipper's freight and the witness was of the opinion that the single-line service proposed to Dallas will result in faster and more consistent service than the present joint-line service. ETMF will continue to be used as the delivering carrier to Terrell and Forney.

Three witnesses who ship or receive wiping waste support the applications of Johnson and Bowman for service from

Charlotte to points in Louisiana, Mississippi and Texas, and from Atlanta to Houston (Herrin also is supported for the latter service).[26] Approximately 50,000 pounds of freight per month is involved. From Atlanta they now use the single-line service of Roadway and from Charlotte the services of Bowman, Roadway, Ryder, ET&WNC and Johnson. Both Ryder and Bowman spot

trailers at Charlotte for the shipper's loading convenience and as a result the shipper sometimes uses the joint-line services of those carriers when single-line service is available. The complaints against the existing services are that transit time is sometimes slow, that the Charlotte shipper has experienced shortages and lost freight, and that Roadway's pickup service at Charlotte is slow. There are available to these shippers other single-line and joint-line services which they are not using.

A coffin manufacturer who receives approximately 3,000 pounds per month of piece goods, coffin handles and related hardware in Waco and Amarillo, Tex., from suppliers in Atlanta supports the Red Ball application; and a manufacturer of roofer's mops and supplies, rope, roofing yarns and textiles at Atlanta who ships approximately 30,000 pounds of such materials monthly to Arkansas, Louisiana, Mississippi and Texas points supports the application of Strickland.[27] The former now uses Transcon in single-line service to Amarillo, and T.I.M.E. or Transcon as origin carriers and Red Ball, Red Arrow or Southwestern as delivering carriers at Waco. The witness for this shipper complains that the transit time on his shipments is slow. However, he has never specified routing for his shipments and he is unaware of other existing single-line and joint-line services

[26] Witness Nos. 497, 506, 618.

[27] Witness Nos. 814, 450.

available to him. The Atlanta shipper now uses Gordons, Roadway, Transcon and ETMF to Texas points, Dixie to Mississippi points, Ryder to Shreveport and some Mississippi points, and ETMF and its connections to Arkansas points. His support of Strickland is based upon that carrier's proposed overnight service to Jackson and Greenville, Miss., and second morning delivery at other points. He is of the opinion that such service would be faster and more consistent than that he is now receiving.

The Bowman and Johnson applications also were supported for the transportation of ribbon and bows used in gift wrapping from Dallas to Chattanooga, Tenn., Rock Hill, S. C., South Hill, Va., and Brooklyn, N. Y., and supplies inbound from Chattanooga to Dallas.[25] To Brooklyn this shipper is using Yellow Transit and has no complaint as to that service. It is now using Gordons as its originating carrier to other points and also as delivering carrier of the inbound supplies. There have

been very few complaints as to that service. Previously it has used the service of ETMF. The shipper prefers single-line service both for better transit time and to minimize damage to his shipments.

These 12 witinesses support single-line service as a means of improving transit time and minimizing tracing difficulties and loss and damage claims. They all have available transportation services other than those being used, some of which they have never tried, or have not used in a long period of time, some of which has been satisfactory, and some of which they were unaware. They have not shown a need for additional services as proposed by the applicants supported.

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[25] Witness No. 294.

Signs, Displays, and Showcase Equipment

Six of the supporting shippers[29] are interested in the movement of commodities falling within this category. One each was called by Roadway, Strickland, Jones, and Johnson and the remaining two were called by Bowman. One of the Bowman shippers also supports Strickland, Johnson, and Jones and the other also supports Johnson. The Johnson shipper also supports Bowman.

A decorating company at Atlanta has occasion to move about 35 less-than-truckload shipments every six months from Atlanta to Mobile and New Orleans and has regularly utilized the services of Johnson for such movements. Complaint is made that Johnson's service has been less than adequate because of delays in transit and failure to make pickups promptly but no attempt has been made to utilize other services known to be available for movements between these three principal points. The service of Roadway has been used in dispatching shipments to points on the Eastern Seaboard and elsewhere. This service has proved entirely satisfactory and is desired for use in connection with the Atlanta-Mobile and Atlanta-New Orleans traffic here considered.

One witness has a place of business at Birmingham and receives from three to five less-than-truckload shipments of sign materials a year from Houston and Atlanta. During a 23-month period in 1964 and 1965 it received only two shipments from Atlanta and four from Houston. As of the latter part of July 1966 it had received no shipments from Houston since December 1965 and none from Atlanta since February 1964. The witness has heretofore

[29] Witness Nos. 92, 160, 261, 603, 659, and 667.

utilized the services of Baggett out of Atlanta and those of Mercury out of Houston, but complains that the services of both, to the limited extent used, were unsatisfactory from the standpoint of delivery time. In spite of this, no attempt has been made to utilize the numerous other services available for movements from Houston or Atlanta to Birmingham.

One rather substantial producer of outdoor electric signs and display materials at Dallas ships its products to points in the southeastern States and to some extent to points along the Eastern Seaboard as far north as New York City. It now uses the services of Strickland, Transcon, and Mercury on most of its eastbound shipments, either in single-line or connecting line services and has also made some attempt to use the services of Red Ball, Herrin, and Roadway. Mercury has been used for shipment to Georgia, Florida, and the Carolinas, either directly or with interchange at Birmingham, and Florida traffic has also been routed, at least out of Dallas, by Transcon, Red Ball, and Herrin. Strickland has been utilized for most deliveries along the Eastern Seaboard north of the Carolinas. The company is here supporting the applications of Strickland, Johnson, Jones and Bowman in an attempt to obtain (1) better pickup service, (2) better tracing service, and (3) proper handling of shipments to prevent damage in transit or incidental to interchange of lading enroute. Transit time is frequently important to this shipper, particularly in the case of large and cumbersome signs which must be scheduled for delivery coincidental with the arrival of unloading and erecting cranes and the opening of new service stations and other facilities. Some of the signs produced are over-height for ordinary ban-type equipment and high-cube and open-top units are required for their transportation. Prompt pickup service is said to be necessary in order that signs may be loaded on trucks as they come off the assembly line, thus eliminating a certain amount of additional handling at the Dallas plant. The desire for better pickup service also embraces situations where special types of vehicles are required

to meet over-height loading requirements and the carriers called upon do not have such types readily available. Shipper believes that better tracing service and less likelihood of damage incidental to transfer of lading would result if single-line service were available. In this connection, shipper is not aware of all of the single-line service available to it in the territory. Although it has only a limited amount of traffic destined to eastern seaboard points north of the Carolinas and although Strickland's single-line service to such points appears to have been reasonably satisfactory, it is supporting another carrier for authority to perform such service because the availability of more service would mean the availability of more equipment at Dallas for outloading.

- 21 -

The company at Marked Tree, Ark., which supports only Jones, produces education equipment such as chalkboards, display cases, and also pool tables, which it ships to customers in Alabama, Georgia and Florida. In 1965 it moved 380,000 pounds of this material to points in Alabama, 500,000 pounds to points in Georgia and 125,000 pounds to points in Florida. Its individual shipments range in weight from 300 to 400 pounds. It operates four trucks of its own in private carriage. All outbound traffic tendered to common carriers is now turned over to Jones. Two other motor carriers also serve this plant, but their services have not been satisfactory. Jones' service is used to Memphis with an interline at that point to Bowman for Atlanta, Birmingham, and points in Alabama and Georgia which Bowman serves directly. Points beyond Atlanta and Birmingham not served by Bowman are again interlined with such carriers as Gordons, Herrin, Jack Cole, ETMF, Tamiami, and Howard Hall. The Jones/Bowman service is described as very good but the company would prefer to have the proposed Jones single-line service for movements into Atlanta and Birmingham, for direct service into such points and for interline

service into Florida and other points beyond Atlanta and Birmingham.

An advertising firm at Jackson, Miss., which supports Bowman and Johnson, receives inbound shipments of sign panels weekly from Baltimore, such shipments varying in weight from 230 to 6,100 pounds. Its shipments are all originated by Mason & Dixon and are delivered by such carriers as Ryder, West, and Deaton. The connecting line service is said to have been unsatisfactory from the standpoint of transit time, with delays attributed to those incidental to the interlining of its shipments enroute from Baltimore. It has not attempted to utilize a single-line service which was not heretofore known to be available nor other connecting line service known to be available. It supports the two named applicants for single-line service in the hope of speeding its present deliveries out of Baltimore.

A company engaged in producing store display fixtures at Charlotte, N. C., supports the applications of Bowman and Johnson to obtain better delivery service to its customers in Texas. It is now using the services of Bowman and Johnson as well as those of Thurston, ETMF, Ryder, Roadway, and Red Ball for the handling of 10,000 to 12,000 pounds a month of its products moving into Texas. During the period February 24 through October 4, 1966, it made some 144 shipments by motor vehicle to points in Texas, most of which were picked up by protestants Thurston and Ryder, but some 40 shipments were originated by Bowman or Johnson. The company appears to have made some use of the services of

Roadway but has had trouble getting prompt pickup service from that carrier. Although it supports Bowman and Johnson in the hope of obtaining single-line service into Texas, it is apparent that even with the proposed extensions of these carriers the ma-

jority of the Texas deliveries would be subject to interline service. It has had no difficulty in obtaining prompt pickups from Bowman and Johnson and would prefer their services, even with interchanges, because the interchanges would take place in Texas, which is said to be preferable to the company.

The support of these shippers, all of which are concerned with the movement of less-than-truckload traffic, is based primarily upon the assumption that single-line service is better than connecting line service and that the elimination of interchanges between carriers will solve most of their problems merely by reduction in the amount of in transit handling of their shipments. Such an assumption is not justified, particularly in instances where, as here, the efficient handling of less-than-truckload shipments, even between points on the lines of a single carrier, may well involve a considerable amount of consolidation and break-bulk distribution between origin and ultimate destination. Aside from this aspect of the matter, it is clear that the proposals supported will not result in the elimination of all of shippers' interline difficulties. Even if such proposals are approved they will still have to rely upon interlining service to accomplish a substantial portion of their delivery requirements. More important is the fact that for the most part these shippers are seeking to substitute routings of their own choosing, not only for the services now being used but also in lieu of the abundant existing services which are available to them but which they have made no attempt to utilize even though in many instances the unused or little used routings would appear on their face to be more advantageous. For example, the sign manufacturing company of Dallas is supporting a number of carriers for services into Florida, its principal volume State, through the medium of an interchange at Atlanta or Birmingham when it has the direct single-line service of Herrin available to points in northern Florida and has made little use thereof. The territory here considered is provided with an abundance of transportation facilities.

Pharmaceuticals

Twenty-five witnesses are manufacturers, shippers, or receivers of pharmaceuticals, toilet preparations, patent medicines, drugs, and sundries. Of these witnesses, Red Ball called 11 and was supported by 1 other. Johnson called 6 witnesses and was supported by 3 others.

Bowman called 3 and was supported by 7 others. Jones put on 1 witness and was supported by 2 others. Herrin put on 1 witness and was supported by 1 other. Strickland called 2 witnesses and Roadway 1 and these latter two applicants were supported only by their respective witnesses. Collectively these 25 witnesses have from 1.5 to 2 million pounds of traffic per month moving within this area.

Twelve of the above witnesses[30] testified as to shipments between Atlanta and one or more points such as Dallas, Houston, and Fort Worth, Tex.; Vicksburg, Jackson, Greenville, Natchez, and Gulfport, Miss.; Alexandria, Baton Rouge, Shreveport, and Lafayette, La.; Mobile, Northport, and Birmingham, Ala. Two of the 12 ship in truckload quantities while the other 10 have less-than-truckload shipments. The motor carrier services of six of the applicants herein are used to move the traffic of these 12 shippers as well as 17 other carriers authorized to serve these points. The most common complaint is that transit time is too slow. Other complaints are poor pickup service, delays at interchange points, damage to merchandise, and poor claim service. Emergency shipments to drug stores and hospitals require expedited service and in some instances protection from heat or cold may be required. Such service is not always available and presents somewhat of a problem especially on joint-

[30] Witness Nos. 8, 54, 56, 67, 80, 124, 147, 189, 489, 607, 654, 655.

line service. Practically every shipper desires single-line service to speed up delivery and keep handling of merchandise to a minimum.

One shipper from Chattanooga[31] with gross sales of $10 million a year ships thousands of less-than-truckload shipments to points in Louisiana, Mississippi, Missouri and Kansas. It supports Bowman because the present interline service is considered too slow and it would like single-line service. It presently uses Ryder, Bowman, Robinson, and ET&WNC. Ryder requested that it not be given shipments to Mississippi or the Carolinas. Its primary interest is to Louisiana and Mississippi points. Even if authority sought is granted interline service will still be required to most of the Mississippi points.

Two of the less-than-truckload shippers from Dallas to Jackson and other points in Mississippi and to points in Florida, Georgia, Alabama, Tennessee, and North Carolina presently use Mercury, Transcon, Red Ball, Roadway, Herrin, Consolidated, Gordons, Jones, Lee Way, and parcel post.[32] They complain of time in transit,

delays in deliveries, damage to the merchandise, and problems in tracing. A single-line service is desired, but they were not aware of certain single-line service now available. Many of their shipments are designated as "will call" for terminal station pickup by the consignees.

Six shippers from Hammonton and Morris Plans, N. J., Bridgeport and Milford, Conn., Richmond, Va., Brookfield, Mo., Buffalo, N. Y., and Fort Washington, Pa.,[33] ship approxi-

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[31] Witness No. 198.

[32] Witness Nos. 246, 384.

[33] Witness Nos. 300, 325, 696, 874, 895, 918.

mately 400,000 pounds each month to such points as Dallas, Atlanta, Birmingham, New Orleans, Mobile, Pensacola, and other points in Mississippi, Louisiana, and Texas. Many of the shipments to Dallas are truckload whereas to most of the other points they are less-than-truckload. Over 27 different carriers are used in these operations including five of the applicants, mostly in joint-line service. These shippers prefer single-line service and complain generally of slow transit time, tracing problems, damage to the lading, and in some instances protection from the cold was not available.

A Texarkana, Tex., shipper[34] who ships approximately 8,000 pounds per month to Birmingham and Atlanta and receives about 5,000 pounds per month from Atlanta has no complaint of the service received from ETMF. He supports the Red Ball application for additional carrier service between these points.

A Milledgeville, Ga., drug company supports the Bowman application for single-line service to move its products to a company warehouse at Dallas and to public warehouses at Houston, Little Rock, and Kansas City.[35] It has used the services of REA, and also of Brown, Tamiami, Overnite, and Bowman as origin carriers with interline to numerous connecting carriers including ETMF, Gordons, Transcon, Mercury Freight, Roadway, T.I.M.E., Herrin, Ryder, and Yellow Transit. It complains of excessive damage but does not know whether the carriers or warehouses are responsible.

Two wholesale drug companies, one located at Monroe, La., and the other maintaining inventories at Dallas, Fort Worth, Houston, Beaumont, and Shreveport receive less-than-truckload shipments from East Coast suppliers and to some extent from

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[34] Witness No. 431.

[35] Witness No. 786.

suppliers at points in the Southeast.[36] Neither has any knowledge of the

available transportation services and both leave the routing of their shipments up to the suppliers. One receives its shipments primarily from freight forwarders. Both consider their present service slow and expressed the view that the proposed single-line services of the applicants they support would provide better service

There is considerable transportation service available to these 25 shippers or receivers of freight which they have not tried. Several have made no investigation of available services and do not route their shipments. In some instances, a less-than-truckload protective service from the heat or cold may be needed which even the applicants would be unable to provide; in other instances the authority sought if granted would be used very infrequently. The availability, consistency, convenience, cost and speed of transportation service are factors taken into account by the shippers in determining the carriers to be used. These shipper witnesses have failed to show a need for additional carrier services. Their support of certain applicants is based largely upon the applicants' proposed schedules.

Wire

Ten witnesses who ship or receive wire testified in the aggregate in support of all of the applications except those of Baggett and Red Ball. Bowman, Johnson, and Jones called 2 witnesses each, and Herrin, Roadway, Deaton, and Floyd & Beasley called 1 each. Some witnesses testified on behalf of more than one applicant.

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[36] Witness Nos. 630, 433.

Five witnesses support service from the eastern origins of Holyoke, Mass., Pawtucket and Lincoln, R. I., and Hillside and Linden, N. J., to points in Mississippi, Louisiana, Texas, and Arkansas, and one of the five also supports the Bowman and Jones applications in connection with service from Florence, Miss (10 miles southeast of Jackson), to points in Alabama, Florida, Georgia, South Carolina, Virginia, Pennsylvania, and New York.[37] Their testimony relates to over 500,000 pounds of freight per month. Three of them supporting both the Roadway and Johnson applications use their services in other areas, and propose to use one as a backup carrier service for the other; and one also proposes to use them as a backup service for water transportation. These three have no particular complaint against their existing transportation services although one is of the opinion that the additional authority will enhance its use of the

carrier's stopoff service for partial unloading. The other two witnesses complain that their pickup service is unsatisfactory and the transit time too long (including the transit time of the applicants supported). All five have other motor carrier services available which they are not using.

The remaining five witnesses seek additional services in the aggregate from Chattanooga and Atlanta to Dallas, Fort Worth, and Houston, Tex., and Baton Rouge, Lakes Charles, and Monroe, La.; from Houston to Atlanta and Jackson; from Dallas to southeast and east coast points; from Chicago to Birmingham; and from Birmingham and Houston to points in Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas and Missouri.[38] They ship or receive a total of over 175,000

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[37] Witness Nos. 391, 446, 879, 880, 921.

[38] Witness Nos. 112, 396, 518, 553, 575.

pounds of freight per month. Two of the five are not familiar with the carrier services available to them, and the others are aware of services available which they have not used. Among the carrier services being used by these witnesses are those of five of the applicants and eight of the protestants. The complaints about those services relate primarily to slow transit time, poor pickup service, and tracing difficulties. One witness complained that a slow transit time on one shipment caused loss of a customer.

The testimony of these 10 witnesses fails to evidence a need for additional motor carrier service.

Fencing and Tubing

Nine witnesses who ship or receive fencing or tubing testified in support of all of the applicants except Herrin, Roadway and Floyd & Beasley. Deaton called 3 witnesses, Red Ball 2, and Baggett, Strickland, Bowman and Jones 1 each. Some testified in support of more than one applicant.

Three witnesses supporting the application of Deaton and one that of Red Ball propose to use the services of those carriers for the transportation of fencing from Houston to Birmingham.[39] Approximately 40,000 pounds of fencing and fence materials per month are involved. All of these witnesses operate their own equipment in private carriage and use common carriers

for some less-than-truckload shipments. Two have made no investigation of the available transportation services; one who uses several carriers acknowledges that he receives good service; and one is using joint-line service when single-line is avail-

[39] Witness Nos. 108, 195, 652 and 525.

able. One witness who complains of an occasional pickup delay has no loading platform and uses a tow motor in his yard for loading purposes.

Five witnesses testified with respect to their transportation needs in the movement of tubing (steel, copper, brass, or aluminum). A witness supporting the Baggett application for service from Decatur, Ala., to Texas points ships approximately 600,000 pounds monthly to Houston, Beaumont, Dallas and Fort Worth, and one supporting the Jones and Bowman applications for service from Birmingham to points in Arkansas, Louisiana and Mississippi ships approximately 55,000 pounds monthly to points in those States.[40] The former is using the single-line service of Gordons to Dallas and Fort Worth, Ryder to Houston, and the joint-line services of Baggett and Mercury and their connections to other points. He has not tried the Baggett joint-line service to Texas points over the New Orleans gateway. His only complaint of the existing services is that at times, the carriers (including Baggett) are unable to furnish the necessary equipment (open-top trailers) upon demand. The other witness is using the services of Gordons, Ryder, Dixie, Mercury, West, and ETMF. For the most part, the services of these carriers is satisfactory and the witnesses has made no investigation as to the availability of other carrier services. His support is based essentially upon the proposed overnight service of these applicants to certain points in the three States.

A witness supporting the Strickland application for service from Dallas to Birmingham and Atlanta and points beyond ships about 2,000 pounds monthly to that area, and one supporting the Red Ball application for service between Kansas City, Mo., and Birmingham, and from Birmingham to points in Arkansas and Texas ships approximately 8,000 pounds monthly.[41] The former is using the services of Gordons, Trans-

[40] Witness Nos. 69 and 637.

[41] Witness Nos. 351, 699.

con, Roadway, Mercury, and Red Ball, and the latter uses Gordons and Campbell Sixty-Six between Kansas City and Birmingham and ETMF for shipments out of Birmingham to Arkansas and Texas points. This witness complains of slow transit time and poor tracing service. He wants a single-line service

between Kansas City and Atlanta which will assure not later than third morning delivery.

The witness supporting the Bowman and Johnson applications for service from Union, N. J., to points in Arkansas, Louisiana, Mississippi, and Texas has not used the joint-line service of Johnson, nor the Harris-Ryder service in the past because their solicitors have not called upon him.[42] He has found that his recent use of Bowman as an origin carrier has largely eliminated his complaint of poor pickup and tracing service. He supports any carrier that will offer more service for his shipments.

These nine witnesses have ample transportation services available most of which is reportedly satisfactory according to their own standards. Three have made no investigation to determine the available service. Support of the respective applicants is based largely upon the desire for additional single-line services, and for faster transit time which the witnesses believe may be available through the schedules proposed by these applicants.

Fastners, Nuts, Bolts

Seven witnesses supporting six of the applications testified as to their need for the proposed services in connection with the transportation of such items as metal connectors, fastners, screws, nuts, bolts, and related articles.

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[42] Witness No. 931.

Four of the witnesses support in the aggregate (1) the Bowman application for service from Miami to points in Arkansas, Louisiana, Mississippi, Texas, Kansas and Missouri, and points beyond; (2) that of Jones for service from Atlanta and Birmingham to Fort Smith; (3) that of Red Ball for service from Birmingham to points in Arkansas, Texas, Louisiana and Mississippi; and (4) the Herrin application for service from Dallas to Atlanta for interline to Americus and Vidalia, Ga.[48] Their testimony relates to approximately 220,000 pounds of freight per month.

The Miami witness is shipping by Bowman, Ryder, and Central as origin carriers with their various connections. He desires single-line service to as many points as possible to avoid delays at interline points. He complains

primarily that Ryder's pickup service is poor and that at times when the shipments are not ready on the carrier's first pickup call it fails to return for the pickup prior to closing time. The Fort Smith witness is using Gordons' single-line and the joint-line services of Bowman/Mercury Motors over the Memphis gateway from Atlanta; and from Birmingham he is using Gordons and Campbell Sixty-Six. He has not used the joint-line service of Bowman Jones over Memphis. He too, complains of an occasional delay in pickup and would like the faster transit time that may be available through single-line service. The witness supporting the Red Ball application out of Birmingham is using Campbell Sixty-Six, Gordons, Ryder, West, Mercury Freight, ETMF, Dixie, Transcon, Eagle and Deaton. His only complaint is that at times Campbell Sixty-Six fails to make a second pickup when requested. The Dallas witness supporting the Herrin application has made no investigation as to what transportation services are available to Atlanta for interline to

[48] Witness Nos. 593, 803, 53 and 274.

Americus and Vidalia. The service of ETMF to Atlanta has been satisfactory.

Three witnesses support in the aggregate (1) the Roadway application for service from High Point, N. C., to Alabama, Florida, Mississippi and Louisiana points; (2) that of Johnson from Lenola, N. J. (Moorestown), to points in Louisiana and Texas, and from Statesville, N. C., and points in Connecticut to Jackson, Miss. (the Bowman application also was supported by the witness for this latter service).[44] Approximately 100,000 pounds of freight per month is involved. From Statesville and High Point, N. C., originating carriers are Johnson, Carolina Freight Carriers, Thurston, Ryder, ET&WNC; and from Connecticut points the originating carriers are Strickland, McLean, Eastern Express, and Carolina Freight Carriers. From Lenola, N. J., Roadway and Johnson are used in both single- and joint-line services. These witnesses complain that transit time for their shipments is slow and they prefer single-line service as being more convenient, faster, and providing easier tracing. One witness supporting the Bowman application has not tried that carrier's joint-line service out of the Carolina origins, and another supporting the Johnson application has not used the Harris/Ryder service out of Lenola, nor Johnson as a connecting carrier over the Atlanta or New Orleans gateways for service to Texas and Louisiana points other than Baton Rouge.

These seven witnesses have available numerous carrier services, some of which they are using with reasonably satisfactory results, and some of which have not been tried.

- 30 -

Valves, Pipe, and Fittings

Twenty witnesses who ship or receive valves, pipe, and fittings testified in the aggregate in support of all of the applica-

[44] Witness Nos. 453, 867 and 550.

tions except those of Floyd & Beasley and Baggett. Red Ball called 6 witnesses, Roadway, Strickland and Jones 3 each, Herrin and Bowman 2 each, and Deaton 1. Some witnesses supported more than one applicant. Marking or tagging of the individual pieces of a shipment of these commodities is difficult. As a result, the witnesses desire to have available an abundance of single-line carrier services in order that separate shipments may be given to different carriers to avoid mixing of shipments and loss and tracing difficulties.

Five of the six witnesses called on behalf of Red Ball support service from Houston, Tyler, Nacodoches, Texarkana, Tex., and Shreveport, La., to Atlanta, Birmingham and Greenville (Miss.), and the sixth from Birmingham to Houma, La., and Wichita Falls, Kemay, Graham, Electra, and Perryton, Tex. (in northwest Texas).[15] These six witnesses ship or receive over 535,000 pounds of freight monthly in this service. One also ships about 1 million pounds per month to other points in the States of Mississippi, Alabama, Georgia, Florida, South Carolina, and North Carolina, some of which may involve using the three named points as gateways for interlining the freight. Approximately 50 percent of the latter witness' freight is handled by special commodity carriers. Red Ball originates all shipments for the Nacogdoches witness, and the others shipping to Atlanta and Birmingham use one or more of the single-line services of ETMF, Ryder, or Roadway. On shipments from Birmingham, Mercury Freight is the originating carrier with Red Ball or Merchants as delivering carriers. Two of the witnesses have no complaint about their service to Atlanta and Birmingham, but in general the witnesses support the proposed additional services of the applicants as a means of obtaining faster and more consistent transportation and facilitating tracing of shipments.

The Jones application is supported for service between Tulsa, on the one hand, and, on the other, Atlanta and Birmingham

[15] Witness Nos. 349, 432, 524, 758, 825, 832.

and points beyond; also (along with the Bowman application) from Bessemer, Ala., to West Monroe, La., Pensacola, Fla., Houston, Memphis, and several points in Mississippi and Arkansas; and from Chicago to Bessemer.[46] Between Tulsa, Birmingham, and

Atlanta, the witnesses use the single-line service of Transcon or T.I.M.E.; also the joint-line services of Campbell Sixty-Six or Gordons as originating carriers and Jones as delivering carrier for service from Atlanta and Birmingham to Tulsa. Other joint-line services are available. From Bessemer the witness uses ETMF, Mercury Freight, Campbell Sixty-Six, West, Ryder, Bowman, and Roadway. The Bessemer witness requires open-top equipment for some shipments and finds that such equipment is not always immediately available upon demand. The witnesses complain of shipping delays or slow transit time. Approximately 75,000 pounds of freight monthly is involved in the testimony of these witnesses.

The Roadway application is supported for service from Atlanta, Stowe, Pa., and Barberton, Ohio to points along the Gulf Coast area proposed to be served by Roadway.[47] Over 300,000 pounds of freight monthly is involved. These witnesses have available and are using a large number of motor carrier services. The Atlanta shipper has only one loading door and complains that when the pickup carriers fail to adhere to his schedule of pickups it causes congestion and blockage of his production line. The Barberton shipper has both single-and joint-line services available and uses both. He complains of slow transit time. His transit time study shows a 4th day or better delivery on about 54 percent of the shipments to Louisiana points but it does not include any shipments handled by Roadway and its

[46] Witness Nos. 674, 755, 806.

[47] Witness Nos. 185, 220, 561.

connections. The Stowe shipper accumulates freight for specific areas until there is a sufficient quantity to warrant making the shipment. He too has a number of joint-line carrier services available, some of which he has not tried. He had considered his service satisfactory until checking out his transit time for purposes of this hearing. He wants a single-line, faster transit service.

The Strickland application is supported for service from Houston to El Dorado and Fort Smith, Ark., Jackson and Greenville, Miss., Birmingham, Atlanta and Tampa, and from Dallas (Plano) to points in Mississippi, Alabama and Georgia; those of Bowman and Johnson are supported for service from Houston and Baton Rouge to Pensacola and from Thomasville and Charlotte, N. C., to Dallas[15]

Approximately 130,000 pounds of freight monthly is involved. The Dallas shipper supporting the Strickland application, who now uses Strickland and its connections, complains that Red Ball discontinued its daily call for pickup and now requires a specific request for service, and that Mercury Freight, Transcom and Gordons do not serve the plant directly. The Houston shippers, who use a number of different carrier services, complain of late pickups by some carriers and of slow transit time. They do not know whether the carrier services they use are joint-line or single-line, and have made no investigation as to the single-line services available to specific points. The other witnesses have not tried a number of joint-line services available preferring to use the single-line service and avoid interlining delays. Similarly, although complaining of slow transit time between Dallas and Thomasville, N. C., the witness for that service prefers to continue with the single-line service being used rather than try the numerous joint-line services available.

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[15] Witness Nos. 250, 383, 491, 503, 645.

The remaining three witnesses support respectively the Deaton application for service from Atlanta to Baton Rouge, Monroe, and Shreveport, those of Herrin, Johnson, Bowman and Strickland for service from Nacogdoches to Atlanta, and the Herrin application for service from Opelousas, La., to points in Mississippi, Alabama, Georgia and Florida.[49] The Deaton witness is using the service of Johnson and its connections over the New Orleans gateway. Ryder does not solicit his business and he has not used the single-line service of that carrier to these points in the past six months. He wants single-line service and faster transportation for his shipments. On the shipments from Nacogdoches to Atlanta, Red Ball is the originating carrier with various connections used over the Shreveport and Memphis gateways. The witness has not used Herrin's present joint-line service. While he wants Herrin's single-line service, his support of the Johnson, Bowman and Strickland applications is for their proposed joint-line services. The Opelousas witness represents a new business. He uses the daily pickup service of Herrin and supports its application for extension of its authority. He complains that both Red Ball and Ryder have failed to make any pickups at the plant in the 8 weeks he has been with the company. He is using Herrin's joint-line service to points Red Ball or Ryder could make in single-line service as he finds Herrin to be a dependable carrier. He ships regularly once or twice a week to his Atlanta warehouse. Herrin now has authority to serve Atlanta by way of Macon.

- 33 -

Support of the applications by these witnesses is based primarily upon their desire for faster and more consistent transportation, better pickup service, and as much single-line service as can be made available to them. They have a number of carrier services available some of which they have not tried.

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[49] Witness Nos. 51, 59, 605.

Castings

Fourteen witnesses who ship or receive castings testified in the aggregate, in support of all of the applicants except Roadway and Johnson. Red Ball called 4 witnesses, Deaton and Jones 3 each, and Herrin, Floyd & Beasley, Strickland and Baggett 1 each. Some witnesses supported more than one applicant.

Five of the 14 support service for shipments originating at Birmingham and Sylacauga, Ala., and Chattanooga, Tenn., destined to Baton Rouge, La., or Texas points, particularly Houston and Orange, and a sixth receives shipments at Noel, Mo., from Birmingham.[50] Approximately 140,000 pounds of freight monthly is involved. From Birmingham they use Ryder to Baton Rouge, ETMF or Mercury Freight to Texas points, and Eagle to Noel. From Chattanooga, Baggett, Bowman and Robinson are used as origin carriers with open routing beyond. The witness for the latter service has made no investigation as to available single-line services. From Sylacauga Baggett and North Alabama are the origin carriers with Ryder or Mercury Freight as delivering carriers. Four of the six have no complaint against the service they are using. The Sylacauga witness complained that Ryder, who at one time gave good service, has discontinued making pickups at his plant and as a result he has only joint-line service available. The witness from Noel wants single-line faster service from Birmingham with deliveries made at specified hours to meet work crews.

Of the other eight witnesses, seven testified with respect to shipments moving to Atlanta and Birmingham or points beyond, and one from Wichita Falls, Tex., to Greenville, Miss.[51] The latter uses through trailer service for 75 percent of his freight and has only 6 or 8

[50] Witness Nos. 24, 57, 581, 582, 651, 732.

[51] Witness Nos. 338, 354, 378, 385, 609, 705, 829, 889.

less-than-truckload shipments per year for which he is urging single-line service to reduce transit time and lessen loss possibilities. A total of approximately 1,265,000 pounds of freight monthly is involved in the service requested by these eight witnesses.

One supporting service from Kansas City to Atlanta is using several carriers and complains of inconsistent transit time and slow pickup service by one carrier. This witness, who has no loading dock, has other single-line services available which he has not tried, and he made no criticism of one of the single-line services being used. Another witness supporting the Strickland application proposes to use Strickland primarily in connection with shipments moving from Shreveport to Cedartown and Savannah, which will be a joint-line operation. He now uses ETMF or Ryder and their connections, and has made no investigation as to other available services. Support for the Red Ball and Herrin applications for service between Alpine City, La., on the one hand, and, Atlanta, Birmingham and points beyond on the other, is based primarily on the proposition that the volume of freight involved warrants additional single-line service. However, the preponderance of the freight involved moves inbound from eastern origins and can be handled by the applicants supported only in a joint-line service.

Two witnesses supporting the applications of Jones and Red Ball for service from their Russellville, Ark., and Sulphur Springs, Tex., plants to Birmingham and Atlanta and points beyond, now use their service as well as that of others as origin carriers. Their support is based upon a desire to reduce 3-line service which they are using to 2-line service. The record shows that there is now available 2-line service by the carriers supported over other gateways.

The evidence of these 14 witnesses discloses ample transportation services available to them. Some have no complaints of the service being used, some have services available which they

have not used, and others want more transportation service available, particularly single-line service. A dissatisfaction with their present services seems to be a desire for a faster and more consistent transportation than they are experiencing.

- 35 -

Miscellaneous Metal Articles

Forty-eight witnesses who ship or receive miscellaneous metal articles not readily classified in any of the other categories, testified in the aggregate in support of all of the applicants. Red Ball called 11 witnesses, Bowman 9, Roadway and Deaton 6 each, Strickland 5, Jones 4, Herrin, Baggett and Johnson 2 each, and Floyd & Beasley called 1 witness. A number of the witnesses support more than one applicant. These 48 witnesses have transportation services available. Some use a number of different carriers, some are not aware of the extent of the services which are available, and some have no complaint of the service they receive. In general however, they want faster and more consistent transportation service, and single-line service from origin to major points. They believe that those ends can be substantially accomplished through the proposed operating schedules of the respective applicants they support. Most of their shipments are in less-than-truckload quantities.

The 11 Red Ball witnesses ship or receive over 300,000 pounds of freight monthly.[32] Five of them are interested primarily in service from Birmingham to various small Texas points which Red Ball now serves, or to Mississippi or Louisiana points. These witnesses receive knocked-down steel buildings and parts, cast iron or cast aluminum articles, etc., and desire a consistent transportation service with which they can coordinate the delivery of freight with their work crews. In this con-

[32] Witness Nos. 187, 347, 434, 514, 542, 682, 765, 775, 797, 802, 842.

nection they favor single-line service as a means of better controlling consistent transit time and tracing, and to reduce the damage potential for some items such as frames and cast iron products. These witnesses are now using such carrier services as Mercury Freight, ETMF, Ryder, Jack Cole, Eagle (for truckloads), Red Ball, Central, Gordons, Campbell Sixty-Six and others, some in single-line and some in joint-line service.

The other six witnesses support Red Ball's proposed service from such points as Paris, Bonham, Longview and Wichita Falls, Tex., Monroe, La., and Littleton, Colo., to Atlanta, Birmingham, or Greenville (Miss.), or points beyond. The Longview witness has no complaint about his present service, but wants another single-line service available. Roadway makes daily pickups for the Bonham

witness performing good service to Atlanta, and its spots a trailer daily for the Paris shipper whose primary destination point is Atlanta. These two shippers use the joint-line service of Red Ball and its connections to other points. They believe that the proposed single-line service of Red Ball will result in faster and more consistent service. There is both single-line and joint-line service out of Littleton, and the present service out of Wichita Falls is joint-line. The witnesses supporting those services again prefer the proposed Red Ball single-line service for the reasons mentioned.

The nine witnesses called by Bowman ship or receive monthly within the area here involved approximately 210,000 pounds of such items as steel signs and panels, prefabricated steel structures, pumps, compressors, shelving, drip pans, trays, baskets and carts, cast iron foundry items, and alloy steel products.[53]

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[53] Witness Nos. 371, 461, 532, 687, 709, 752, 769, 830, 891.

Five of the nine also support other applicants and in turn Bowman receives support from four witnesses within this group called by other applicants. All of these witnesses support the Bowman application with the objective of obtaining faster transportation of their freight, and some also seek some more single-line service.

Two of the Bowman witnesses ship from Kansas City, one to Atlanta and points within 200 miles of Atlanta, and the other to points in Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina and Virginia. The former is satisfied with service to Georgia and Alabama points, but is not completely satisfied with the service to Florida destinations. Both use the services of Gordons, Watson-Wilson, Roadway and Transcon, in single-line and joint-line service and have other services available such as Campbell Sixty-Six, Jones, ABF, and Western Gillette. There is no indication that these witnesses have used the joint-line service of Bowman to Florida and other destinations.

Another witness supporting the proposed service from Houston to Atlanta, Birmingham, Mobile and Gulfport now uses Roadway, Red Ball, Herrin, Mercury Freight and Ryder. He is not informed as to what single-line service may be available other than the Roadway service to Atlanta. A witness receiving at Vicksburg, Miss., an aggregate of about 500 pounds of freight monthly from Wilkes-Barre, Pa., and Atlanta, in joint-line service supports the proposed single-line faster schedules of Bowman. Two other witnesses, one shipping freight

from Birmingham to points in Mississippi, Arkansas, Louisiana, Texas and Kansas, and the other receiving shipments at Dallas from Chattanooga, Tenn., McBee, S. C., and Cartersville, Ga., have an abundance of joint-line service available. Their interest lies in obtaining the proposed single-line service of Bowman.

The remaining three Bowman witnesses support its proposed service from Dallas to Florida points, from Searcy, Ark., to points in Alabama, Georgia, Florida and Tennessee, and from Philadelphia to points in Arkansas, Mississippi, Louisiana and Texas. The latter witness (who also supports Jones) uses primarily freight forwarder service, but also uses Bowman, Johnson and Strickland and has no complaint about the Bowman joint-line service in this area. He has not tried the Johnson joint-line service through New Orleans to Texas points. He is aware of several single-line services available which he has not tried. He has limited loading space (three doors) and is interested in minimizing the number of carriers serving him. The Searcy, Ark., shipper is satisfied with the service of Powell as originating carrier, but would like to interline his freight (bronze cemetery monuments) with Bowman at Little Rock. The Dallas shipper is using a number of carriers who give reasonably adequate service. He believes that his transit time would be improved with the proposed single-line service of Bowman to Florida points.

The six witnesses called by Roadway support its proposed service in the aggregate from eastern or midwestern origins served by Roadway to the Gulf Coast area proposed to be served.[34] The freight includes such items as gasoline pumps, steel doors, frames, lockers, industrial piston rings, shaft couplings, motors, air registers, diffusers, etc., and one of the six supports the return of tow bars, saddle mounts, and similar items from the Gulf Coast area to Fort Wayne, Ind., and Springfield, Ill. Approximately 1.7 million pounds of freight per month is involved. These witnesses have numerous joint-line services available which they are using, and some have single-line services available. For the most part only joint-line service is available between Roadway's proposed Gulf Coast points and midwest points, and the parties using those services com-

[34] Witness Nos. 922, 915, 907, 902, 876, 875.

plain of slow transit time, poor tracing, and delays and damage resulting from interline. They express a preference for single-line service. From the eastern origins to the Gulf Coast destinations there are both joint-line and single-line services. One witness supporting the proposed single-line service of Roadway complains that

Johnson's single-line service is unsatisfactory because of poor pickup service. However, he has no objection to using Johnson if the pickup service is improved, nor would he object to trying the Harris-Ryder service if that carrier solicited his freight and explained the service to him. Certain witnesses support the Roadway application as a means of obtaining more consistent service which would be beneficial in attempting to coordinate delivery schedules with work crews. These six witnesses have an abundance of transportation services available and their evidence fails to show a need for additional service.

The six witnesses supporting the Deaton application (one of whom also supports Strickland and Bowman, and another Baggett and Bowman) ship or receive within the area here involved over 2.4 million pounds of freight monthly.[55] Four of the six are interested in service from Birmingham or Cullman, Ala., to Houston. The Cullman witness ships mostly truckload and uses the through trailer service of McComb/Mercury Freight with the interline taking place at Birmingham. Although indicating he would like a faster service, he has no knowledge of the transit time he is experiencing and has made no investigation of the services available. The Birmingham witnesses at times need open-top or flat-bed equipment. They use the services of such carriers as Eagle, Superior, Ryder, Mercury Freight, and Baggett, and one uses rail TOFC service, or private car-

[55] Witness Nos. 12, 58, 60, 105, 106, 192.

riage if a stopoff service is involved. Although indicating they would like faster service, they have little information concerning the services being used or those available.

The two witnesses supporting service from Birmingham and Gadsden to points in Louisiana, Arkansas, Mississippi, Texas, Missouri and Oklahoma control the major volume of the freight here involved. Service from Gadsden to Louisiana points is considered excellent by one of the witnesses; the other knows of no single-line service from Birmingham to Baton Rouge. One described the service from Birmingham to Mississippi points as excellent. He has not tried a number of the single-line and joint-line services which are available. Gadsden is served by 15 carriers, and most of the freight from that point moves in truckload quantities and over irregular routes. While these two witnesses ship very large quantities of freight and one contemplates considerable

growth, there is no showing that the existing services are incapable of meeting their transportation needs.

Five witnesses called by Strickland ship or receive such items as stainless steel bars, steel storage tanks and parts, galvanized and aluminum gutter and rain pipe, etc., steel bathtubs and lavatories, steel chain, jugs and jug caps, totaling over 400,000 pounds monthly.[56] Approximately half of this volume consists of the galvanized and aluminum forms shipped from Dallas to points in Alabama, Mississippi and Louisiana, 90 percent of which is moving in private carriage. This shipper uses private carriage because (1) the freight is highly susceptible to damage from excessive handling, (2) it is cheaper, and (3) because of limited dock space. He has not tried some single-line services which

[56] Witness Nos. 17, 157, 244, 284, 337.

are available. If the Strickland application is granted he may use more common carrier service than at present.

Another witness shipping from Dallas and Hearne to Atlanta, Birmingham and Mississippi points, mostly in truckload quantities, also uses private carriage, especially where a number of dropoff shipments are involved. He has found existing common carrier service to Birmingham to be very good, but considers Gordons' service to Greenville, Miss., to be circuitous (via Memphis). Another witness shipping from Atlanta to Houston and Dallas complained of slow service in connection with two shipments transported by Roadway and Transcon. He is aware of other single-line services available which he has not used.

One witness supports Strickland's proposed service from Birmingham to Arkansas and Mississippi points to handle shipments from a new plant not yet in operation. He has made no investigation of the existing transportation services. Another witness shipping from Ruston, La., to Atlanta and Alabama and Mississippi points (also supporting the Herrin application) believes that these applicants will afford a more consistent single-line service than is now available. He is served by Red Ball, Herrin, Ryder, ETMF, Braswell and Cavanaugh Motor Lines. In addition to these five witnesses called by Strickland three others called by other applicants also testified on behalf of Strickland.

The remaining 11 witnesses ship or receive such items as metal cabinets, lockers, athletic equipment, springs, stampings, building products, steel footwalks,

bobbins, tools, pumps, bars, store fixtures, grinding wheels, etc.[37] Their testimony relates to an estimated 775,000 pounds

[37] Witness Nos. 119, 236, 339, 386, 426, 578, 745, 812, 857, 686, 715.

of freight per month moving in this area. Four witnesses called by Jones ship or receive freight moving from Atlanta to Fayetteville, Ark., from Birmingham to points in Arkansas, Kansas, Missouri and Oklahoma, and from Greenwood, Miss., to Birmingham, Atlanta and points beyond. One is interested in having available single-line service from Birmingham to Lincoln, Ark., as a possible replacement for his private carrier operations. From Atlanta and Birmingham the service of Transcon, Gordons, Campbell Sixty-Six, or Cole and their respective connections are generally used, and from Greenwood Campbell Sixty-Six is used to Birmingham, and its connections for points beyond. Gordons' single-line service also is available to Atlanta. Their support essentially is for the single-line service and schedules as proposed by Jones.

Two of these 11 witnesses support the Baggett application, one for service from Springville, Ala., to the Dallas and Houston areas and the other from Dallas to Huntsville. The former handles his truckload or stopoff shipments by private carriage and uses Baggett and its connections for the smaller shipments; and the latter uses both Gordons' single-line service and Red Ball's joint-line service to Huntsville. Springville also is served by Halls and McComb, and there are numerous joint-line services available from Dallas to Huntsville which the witness has not tried, including that of Baggett. The products of these two witnesses are susceptible to damage and it is their opinion that the proposed single-line service of Baggett will tend to reduce damage to their freight.

The witness supporting the Herrin and Strickland proposed service from Atlanta and Birmingham to Dallas acknowledges that he is receiving reasonable good service from ETMF, Gordons, Mercury Freight, Roadway and Transcon. Another witness supporting the Herrin application from Jackson to Houston is using either Red Ball in single-line service or West/Herrin joint-line. He has made no investigation of other services that

may be available. The witness supporting the Floyd & Beasley application, especially for single-line service between Houston and Sylacauga, Ala., is using various joint-line services. He is not aware of any single-line service available.

- 41 -

The other two witnesses support the Johnson application for service from two Massachusetts origins to Houston or to Port Gibson (Mississippi). One is aware of other available service both joint-line and single-line which are not being used and the other is not aware of a number of joint-line services which are available.

These 11 witnesses have transportation services available. Their support of particular applicants is based primarily upon their belief that single-line service conforming with the schedules proposed by the respective applicants will be a convenience and will result in improved transit time for their freight.

Shoes, Leather Goods and Related Accessories

Seventeen witnesses who ship or receive leather items such as shoes, boots, belts, saddles, western apparel, handbags and related articles and accessories within the area involved in these applications supported in the aggregate all of the applications except those of Floyd & Beasley and Deaton. Of these witnesses Roadway called 4; Baggett and Strickland 3 each, Bowman and Herrin 2 each, and Red Ball, Johnson and Jones 1 each. Except for the witnesses called by Johnson and Jones, both of whom supported the Johnson, Jones and Bowman applications, the witnesses supported only the applications of the carriers calling them. Their support of the respective applications is primarily to get single-line service to as many points as possible as a means of obtaining faster and more consistent transportation service. Several of the witnesses were not aware of existing services, and

others had not tried such services. Some were using joint-line service where single-line is available.

Seven of these 17 ship or receive freight from Texas origins.[55] These include five testifying with respect to freight originating at Dallas and Fort Worth (one of which also originates freight at Houston and Laredo), one from Ferris (near Dallas), and one from Nocoma in north Texas. From these origins the freight is destined primarily to Greenville and Jackson, Miss., Mobile, Montgomery and Birmingham, Ala., Atlanta, Ga., Pensacola and Miami, Fla., Chattanooga and Nashville, Tenn., points in Arkansas along U. S. Highway 82 and to other points in the States named beyond those key cities as well as to points in the Carolinas. Somewhere in the

neighborhood of 40,000 pounds of less-than-truckload freight per month is involved in these shipments. Single-line services now are available from most of these origins to the major destination cities. For example, to Atlanta and Birmingham some of the parties are now using the services of Gordons, Transcon, ETMF, Mercury Freight, and Roadway; Red Ball to Mobile, and Braswell to Jackson. Joint-line services are available to other points. Four witnesses indicate no complaint of the existing service but one favors more competition as a means of improvement. Two others using joint-line service support proposals for single-line service, and one now using a joint-line service supports another such service. One of the witnesses complains of slow transit time and excessive loss and damage, and another of poor pickup service although admitting that he has no loading platform and his place of business is located in a highly congested section of downtown Dallas.

Three of the witnesses support the proposed Roadway service from Allston and Wakefield, Mass., and Camp Hill, Pa., to

[55] Witness Nos. 123, 254, 372, 594, 373, 445, 822.

points along the Gulf Coast between Pensacola and New Orleans.[59] They ship an aggregate of about 62,000 pounds of freight per month to this area. Two have limited shipping dock space and are anxious that Roadway, which they use in joint-line services, be authorized to handle these shipments in single line. One complains that Johnson's and Strickland's service to the Gulf Coast area is too slow and inconsistent although it uses Johnson to other points. The other also uses Johnson to some points but for convenience reasons does not use the existing Johnson service to the Gulf Coast area. The third uses a car-loading service for about 40 percent of his shipments, and also uses R. C. Motor Lines and Akers in their respective joint-line services. This shipper was not aware of the existing single-line service of Johnson to the Gulf Coast area. It discontinued using Johnson's service altogether sometime ago because of a claim settlement dispute.

Another witness supporting the Roadway application for service from Nashville and Fayetteville, Tenn., to Pensacola, Mobile, Birmingham, Baton Rouge and points in those States beyond the key cities, ships approximately 25,000 pounds of freight per month to that area. The same company also is supporting the Baggett application for service from Huntsville (shoes) and Florence (under apparel), Ala., to Houston, Beaumont, Texas City and

Dallas and other points in southeast Texas.[60] It ships approximately 300,000 pounds of freight monthly to Texas points from Huntsville and Florence. This shipper's primary complaint against the existing carrier services (including both single line to some points and joint line) is inconsistency. It views consistency of service in providing supplies to retail stores as normally

[59] Witness Nos. 304, 515, 911.

[60] Witness Nos. 219, 673.

more important than speed inasmuch as inventory can be arranged to fit reasonable delivery schedules that are consistent. There are a number of transportation services available and it has employed most of them. Its purpose in supporting these applications is to obtain single-line service to as many points as possible as a means of obtaining more consistent and faster transportation.

Two of the witnesses from Dallas receive leather and shoe repairing supplies from Chattanooga and one also receives such supplies from Atlanta, Baltimore and Philadelphia.[61] Both support the Bowman application and one also supports the applications of Johnson and Jones although admittedly knowing nothing about them. They now use the joint-line service of Bowman from Chattanooga and for the most part, freight forwarder services from Baltimore. They support the proposed single-line service of Bowman as a means of providing a faster service which will better suit their transportation needs. They receive a total of about 8,000 pounds of freight monthly from these origins.

A wholesaler at Atlanta receives import shoes from New Orleans about once a week, the shipments ranging from 500 to 5,000 pounds, and a manufacturer of children's shoes at Uniontown, Ala., ships about 40,000 pounds per month to Dallas, Fort Worth, Houston and other Texas points.[62] The Atlanta witness now uses the joint-line service of Herrin furnishing third day delivery, and supports Herrin's proposed second day single-line service from New Orleans. He will not use the service of Johnson because of difficulty encountered with one of Johnson's drivers, and he has made no investigation of other services available. Similarly the Uniontown shipper uses the joint-line services of Baggett and supports that carrier's proposed single-line

[61] Witness Nos. 357, 394.

[62] Witness Nos. 5 and 23.

service to certain major cities as a means of obtaining faster transportation service.

- 44 -

A manufacturer of luggage at Denver ships approximately 250,000 pounds monthly (90 percent by truck) to its Atlanta warehouse; and from Atlanta it ships approximately 850 pounds per month to Birmingham, and about 12,000 pounds monthly to points in Louisiana and Mississippi.[63] It is supporting the Red Ball application. From Denver it is presently using Yellow Transit to Atlanta, via St. Louis. Winter weather conditions sometimes cause delay over this route. From Atlanta it is desirous of having more single-line services to Louisiana and Mississippi points. It is presently using Ryder, Dixie and Deaton. There are numerous other services available both from Denver and from Atlanta some of which the shipper has used and some of which it has not used. The shipper is giving consideration to using the joint-line services of Red Ball from Denver by way of the Dallas gateway.

Household Items—Giftwares

Eighteen witnesses who ship or receive household and giftware items testified in the aggregate on behalf of all of the applicants except Floyd & Beasley and Baggett. Strickland and Jones each called 4 witnesses, Bowman 3, Roadway and Johnson 2 each, and Herrin, Deaton and Red Ball 1 each. Some of the witnesses supported more than one applicant. They all have available to them a number of carrier services which in some instances they are not using or have not tried. Some of these witnesses were not familiar with their transportation services available and some left the routing of their shipments up to their suppliers. They prefer single-line service and in general the witnesses express the view that the proposed schedules of

[63] Witness No. 390.

the carriers they support will provide them with a faster and more satisfactory transportation service than they now have.

Eight of the witnesses ship from Texas points, 4 from Dallas, 3 from Houston and 1 from Marlin (30 miles south of Waco).[64] Their freight to points affected by these applications aggregates about 220,000 pounds monthly. From those points of origin the witnesses have a number of motor carrier services available. Three of these witnesses complain of a lack of any single-line service to Florida points below the northern portion. One supporting the proposed service of three of the applicants to the New England, Middle Atlantic and Southeastern States uses numerous carrier services.

Although he complains in generalities of slow transit time, poor pickup service, damage and slow claim handling by his present carrier services, he leaves the transportation matters up to his traffic department and had no specific information as to the service of any carrier, did not know what carrier services were employed to any particular area, nor what routings were used. Most of his shipments are C.O.D.'s. These eight witnesses complain of slow transit time and prefer single-line service, but they have not tried services which are available to them.

Three witnesses who receive shipments at their respective places of business at Hamburg, Ark., Jackson, Miss., and Tulsa, Okla., also complain of slow transit time and poor tracing service by the carriers they are using.[65] The Hamburg and Jackson witnesses receive their supplies from points in Texas, Alabama, Georgia, the Carolinas and Virginia. They leave the routing up to their suppliers and pay no attention to the route of movement of their shipments. The Jackson witness has many of his ship-

[64] Witness Nos. 266, 322, 380, 413, 463, 486, 490, 500.

[65] Witness Nos. 583, 627, 741.

ments delivered directly to his customers at various points throughout Arkansas, Louisiana and Mississippi. Their support of the Strickland application is based primarily upon that carrier's proposed second day delivery from the Atlanta and Dallas gateways. The Tulsa witness who receives supplies from Miami, Fla., and various points in the southeastern States also has shipments made directly to his customers in Arkansas, Missouri and Oklahoma. It is his opinion that the Jones proposed service out of Atlanta will afford him a much more satisfactory tracing service which is very important to him particularly in connection with those contracts which contain penalty clauses. He is not now using the Jones multiple line service which is available to him from other gateways.

Two witnesses shipping an aggregate of approximately 35,000 pounds monthly of silverware, candles and refined beeswax from Oneida and Syracuse, N. Y., to the Gulf Coast area support the Roadway application for single-line service.[66] They are using various freight forwarder and multiple line services and complain of slow transit time and poor tracing service. They believe that the proposed single-line service of Roadway will meet their transportation needs in the Gulf Coast area by providing faster and more consistent service and better tracing.

- 46 -

A manufacturer of tubular housewares at Little Rock and one of aluminum and stainless steel cookware at Sheridan, Ark. (30 miles south of Little Rock), support certain of the applicants for service to points in Alabama, Georgia, Florida and the Carolinas.[67] The Little Rock shipper also receives a substantial amount of supplies from that area. They complain of slow transit time by the carriers used and the Little Rock witness

[66] Witness Nos. 303, 335.

[67] Witness Nos. 737, 864.

also complains of poor tracing and claim settlement services. The Sheridan witness uses a local carrier service to originate his shipments and interlines them with a number of carriers at Little Rock. He proposes to continue using the local carrier as the origin carrier for his shipments. The Little Rock witness also has available and uses the services of these several carriers out of Little Rock. If Bowman is authorized to serve Little Rock these witnesses will use that service and in some instances it may result in reducing present multiple line service by one carrier.

Two witnesses testified in support of the applications of Jones and Bowman for service in the transportation of pianos, organs and related items from Fayetteville and Conway, Ark., and Greenwood, Miss., to Birmingham, Atlanta and points beyond (including Savannah), and a third supported the Deaton application for transportation of musical instruments from Atlanta to Baton Rouge.[68] The latter witness has only one small shipment per month and uses either Deaton or Dixie as originating carrier. She has not been solicited by other carriers and for that reason has not tried any of the other services which are available. A substantial volume of the freight moves from Fayetteville, Conway and Greenwood. Both Campbell Sixty-Six and Jones have given the shipper good service and these carriers in conjunction with Bowman are now authorized to serve the area in question. There are other services also available, some of which are being used. Both Jones and Bowman have assured the shipper that they will use power lift equipment as a protective measure for delivery of the freight to the consignees' places of business.

Connecting Common Carriers

Twelve witnesses for motor common carriers testified in support of certain of the applicants.[69] Jones called 4, Johnson 3,

[68] Witness Nos. 155, 177, 212.

[69] Witness Nos. 27, 65, 85, 112, 173, 695, 706, 729, 781, 877, 933, 369.

Floyd & Beasley and Bowman 2 each, and Strickland 1. The testimony of three of the witnesses merely shows a willingness to enter into joint through

rates with the applicants covering their proposed new territory. Another is of the opinion that the proposed schedules of one of the applicants will afford a more consistent interline service than he has. One witness supporting three of the applicants is desirous of reducing 3-line service to the Southwest to 2-line. The applicants he supports have rate concurrences with him and they also are authorized to serve directly the origin points for the freight involved. Other of the witnesses complain that some of the motor carriers, including both applicants and protestants, refuse to enter into concurrences with them for freight which such carriers are authorized to handle directly.

One witness, who is satisfied with his existing connecting carriers, receives approximately 2 million pounds of truckload freight monthly in a trailer interline service from one of the applicants. He supports that applicant for the extended southwestern territory as a means of generating freight for the returning equipment. Another supports one of the applicants for the purpose of establishing a flat-bed trailer interline service for freight moving through Kansas City to or from Atlanta and Birmingham. He has not attempted to establish that type of service with any of the existing carriers during the past three years, but was unsuccessful in prior attempts. Consequently, he has not developed any traffic for that area.

The most significant of this group of witnesses was one supporting the Bowman application for an interline service at Little Rock. School and institutional furniture constitutes a very important portion of his freight and he has experienced difficulty interlining that type of freight. Some carriers refuse to accept it at all, some will accept it only to destinations on their own

lines, and some have restrictions against handling freight on a through rate basis involving more than a 2-line haul. As a result this motor carrier witness has found it difficult to handle this freight, and most especially when destined to Florida points. Bowman's proposed service will afford a connection to relieve the difficulty and provide a necessary transportation connection.

Air Conditioning and Heating Equipment and Supplies

Twenty-eight witnesses having occasion to ship or receive commodities in this category support one or more of the several applications. Collectively, they support eight of the applicants, but most of the support is for Bowman, Johnson, Jones, and Strickland.

- 48 -

Twenty of the shippers in this category[70] have occasion to move their products between points in Texas (principally Dallas and Houston) and points in the southeastern States (principally Jackson and Greenville, Miss., Birmingham, Decatur, Montgomery, and Mobile, Ala., Miami, St. Petersburg, and Tampa, Fla., and Atlanta and Columbus, Ga.). One or two have occasion to move their products to and from isolated points such as Alcoa, Tenn., Staunton, Va., Baltimore, Md., and Washington, D. C., but the requirements in these respects are comparatively insignificant insofar as the issues in this proceeding are concerned, not only from the standpoint of volume of traffic involved, but also because service at the points indicated would be accomplished under the several proposals here considered only by the interchange of traffic at points within the Southeast, such as Birmingham or Atlanta. The same thing is true with respect to the few shippers who desire service to and from points in Texas beyond the Dallas and Houston areas and whose traffic is now moving through either Dallas or Houston.

[70] Witness Nos. 117, 120, 238, 279, 283, 293, 296, 307, 315, 336, 400, 456, 459, 475, 521, 598, 626, 691, 763, and 853.

Of the 20 shippers desiring service to and from points in Texas, 10 are domiciled in the Dallas area; 5 at points in Texas other than Dallas (of which one is at Houston), 2 are located at Jackson, and 1 each at Birmingham, Decatur, and Miami. All of these shippers are interested in the movement of traffic in less than truckload quantities. Collectively, they are utilizing many of the motor carrier services now available to them, both single-line and connecting line, but in no instance is any shipper now utilizing all of the service available nor has any made a real effort to find out whether the use of certain untried services might be more advantageous than those now used. Their support of one or more of the instant applications is based more upon the desirability of having carriers now utilized extend their service rather than upon any real need for additional service. The principal complaints registered by these shippers center upon a desire for more prompt pickups of their shipments and faster overall delivery times, and they have been led to believe that an increase in the number of services available will solve the former problem and the extension of the various services proposed will help solve the overall delivery time problem by a reduction in the number of carriers participating in the through movements.

There is little evidence supporting these shippers' complaints concerning tardiness on the part of existing carriers in making pickups and there is very little probative evidence on the excessive transit times said to have been experienced, leaving considerable doubt as to the frequency of "poor service" experiences. Of the 20 shippers in this group, evidence of specific transit time heretofore experienced was submitted on behalf of only four. One of these which receives about 10 small shipments a month from Dallas and Houston to Jackson, is shown as consistently receiving two- and three-day service. Another shows rather consistent two-day service from Jackson to Dallas. A Dallas receiver is shown to be receiving consistent two-day

service out of Jackson and two- and three-day service out of Birmingham. A Jackson shipper, which has occasion to receive less-than-truckload shipments from Dallas and Atlanta, shows transit times of two to six days out of Dallas, including intervening weekends in each instance, except for the two-day delivery, and from two to five days out of Atlanta, including intervening weekends on all shipments over three days. This shipper received two-day and three-day service from Red Ball (Dallas to Jackson) the times it used the service, but nevertheless continued to route most of its traffic between these points by Braswell, in spite of the claimed "poor service" shown to have been received from the latter. Jackson is about 400 miles from Atlanta and over 400 miles from Dallas. Birmingham is 660 miles from Dallas and Atlanta is over 800 miles from Dallas. In these circumstances and in consideration of the time-consuming collection, consolidation, break-bulk, and distribution necessary to the efficient handling of less-than-truckload traffic, it must be concluded that to the extent documented herein the service received by the supporting shippers is not shown to be unreasonable, certainly cannot be classified as poor or slow, and possibly provides some explanation for the fact that the supporting shippers, although expressing some dissatisfaction with existing service, have not made any serious attempt to obtain better service elsewhere.

A shipper domiciles at West Hartford, Conn.,[71] which now utilizes the services of Johnson and Roadway on movements into the South and Southeast, supports both such applicants for an extension of their services in order that it might have two single-line services available to points to which it now has none or only one. It now has Johnson's single-line service to Pensacola, Fla.,

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[71] Witness Nos. 94 and 892.

New Orleans, and Mobile and wants an extension of such service to Jackson, Miss., Baton Rouge, Shreveport, and Monroe, La. In addition, it wants the single-line service of Roadway to all of such points which it is here seeking to serve in order that it may have an "auxiliary" service available, notwithstanding that it only ships about 20,000 pounds of freight a month to such points and that most of this moves to Baton Rouge.

A shipper at Greenville, Ala.,[72] which is about 45 miles south of Montgomery, ships to points in New York and New England and desires the proposed single-line service of Roadway for accomplishing these movements rather than the existing connecting line services now utilized, which require an interchange at Montgomery, Birmingham, or Atlanta. It ships in both truckload and less-than-truckload quantities. It has at least four carriers serving its plant directly, but has never attempted to route its shipments beyond the interchange points via Roadway. No serious complaint is made on transit time now experienced in connection with interline movements.

A shipper at Fayetteville, Ark.,[73] ships in less-than-truckload quantities to Atlanta, Charlotte, N. C., Spartanburg, S. C., Decatur, Ala., and Tampa and Fort Lauderdale, Fla. It uses Jones as the originating carrier on most of its shipments into the Southeast and supports Jones' proposed extension to Atlanta and Birmingham in the interest of obtaining better transit time. In spite of its complaint on the transit time now experienced it has made no use of other combination services available to it and there is little or no indication that the mere change in the Jones interline points will result in service materially better than that now available. A Richmond, Va., shipper[74] making truckload and less-than-truckload shipments to points in

[72] Witness No. 140.

[73] Witness No. 818.

[74] Witness No. 888.

Louisiana, Mississippi, and Texas, utilizes the services of Bowman and its connections. It here supports the Bowman application for single-line service into the named States. It now has single-line service into such States which it has not used.

A shipper at Clarksville, Tenn.,[75] has occasion to move truckload and less-than-truckload traffic to such Gulf Coast points as Pensacola, Mobile, New Orleans,

Baton Rouge, and Lake Charles. Its traffic is now all originated by Marvin Hayes Truck Line and interchanged with other carriers at Nashville. It desires the proposed service of Roadway only in connection with the movement from Nashville to destination, but it now has available to it a number of other connecting line services which it has not used to any appreciable extent.

A shipper at Greenville, Miss., supports the Jones and Bowman applications for single-line service between Greenville, on the one hand, and, on the other, Atlanta and Birmingham, and a Jackson, Miss., shipper supports the Strickland application for service from Atlanta, Birmingham, and unspecified points on the East Coast (through Atlanta) to Jackson and Greenville.[76] Both ship in less-than-truckload quantities and both utilize the services of several carriers for movements between the points involved. Both complain of poor transit time experience and both submitted supporting data in respect thereof. That submitted by the Greenville shipper shows transit times on only seven shipments from Atlanta and Birmingham to Greenville. Transit time is shown as ranging from one to three days (except for a single shipment which took 13 days). The Jackson shipper is primarily concerned about transit time

[75] Witness No. 179.

[76] Witness Nos. 590, 625.

from Atlanta to Jackson. Although it makes between 10 and 15 shipments a month, it lists only 17 shipments on its study. These show transit times ranging from two to six days, but 13 of these shipments involve movements over intervening weekends. It is about 400 miles from Atlanta to Jackson; the shippers desire overnight service.

From the above, we are of the opinion that the 28 witnesses supporting the eight applicants noted have failed to establish any real and substantial need for the additional motor facilities proposed but have merely indicated a willingness or desire to have such additional facilities available. Their complaints against transit times heretofore experienced for the most part are vague and nonspecific and are otherwise of little help in determining the adequacy of existing facilities because they generally have made no attempt to utilize much of the service shown to be available. Even in those instances where proof of transit time is furnished, the number of instances of services classified as "poor" or "unsatisfactory" bears little relationship to the number of shipments made and in any event do not warrant a conclusion that the overall service received has been

unreasonably slow from the standpoint of transit time. Most of these shippers appear to have been promised service of a type which it would be extremely difficult for the respective applicants to provide on a regular basis and this is particularly true to the extent that most of the traffic involved moves in comparatively small lots with a considerable amount of intermediate handling probably necessary. A few shippers complain of their inability to obtain open-top equipment with the dispatch required, but the testimony on this subject is too vague and lacking in specifics to warrant any conclusion thereon. It is noted that one shipper which stresses this phase of the mat-

ter proposes to utilize the expanded services of the carriers now utilized, which would not appear to have an effect whatever on the availability of open-top equipment.

Glass Containers

Representatives of seven shippers,[77] having occasion to move glass containers and related items, submitted testimony concerning the transportation requirements of their principals. Two support the application of Bowman, 2 support Red Ball and the remaining 3 support Deaton, Herrin, and Strickland, respectively.

A glass manufacturer at Atlanta, Ga. (Forest Park), has occasion to move bottles from Atlanta to a customer at Houston, and at the time of the hearing herein, was contemplating a movement to a new customer at Baton Rouge. Its traffic, in unspecified volume, all moves in truckload quantities and it desires that Deaton be authorized to extend its lines so as to be in a position to handle its present and future requirements for deliveries at Houston and Baton Rouge. Present requirements for delivery at Houston are being handled by Deaton and Missouri Pacific Truck Lines with interchange at New Orleans and it is proposed that the expected movement to Baton Rouge would be handled by Deaton and Poplarville Truck Line, with the interchange at Poplarville, Miss. The supporting witness voiced no complaint concerning services now received from Atlanta to Houston and has not attempted to utilize the several single-line services now available to it for such movement.

The same manufacturer also supports Red Ball with respect to movements from a plant at Palestine, Tex., to Atlanta, Birmingham, and Greenville, Miss. Its traffic

[77] Witness Nos. 11, 174, 440, 488, 587, 624, 751.

out of Palestine moves in truckloads and in private carriage whenever sufficient equipment is available. Where common carrier service is used, the company has been turning its traffic over to Red Ball with ultimate delivery being accomplished by Ryder and Dixie. Although few, if any, complaints have been received in connection with the services now used, the company prefers single-line service and is supporting the Red Ball application for that reason.

A soft drink producing company at Houston desires the proposed service of Herrin for the movement of flavoring compounds and syrups, labels, and advertising matter from Columbus, Ga., to Houston. It now uses the services of Jack Cole and Herrin in interline service over New Orleans and desires that Herrin be authorized to handle the entire movement. Shipments to Houston range from 200 to 8,500 pounds and are made weekly. No attempt has been made to investigate other services now available to it for the movement of its traffic from Columbus to Houston.

A glassware manufacturer at Chattanooga, Tenn., supports Bowman for service in the transportation of bottles, glassware, and wooden bottle cases from Chattanooga to points in Mississippi, Louisiana, and Missouri. All of its traffic moves in truckload lots and a substantial amount moves in private carriage. The use of private carriage is dictated by company economics, customer delivery deadlines, and customer insistence. Although there is an indication that Bowman's proposed service might divert some traffic now moving in private carriage, it is clear that some of the company's customers do not care to have their shipments delivered by common carrier (some at least for economic reasons). During the first six months of 1966, the company made no shipments by common carriers to points in Louisiana, but made 71 shipments to points in that State in private carriage because of customer insistence. During the same period it made seven shipments to points in Mis-

sissippi in common carrier service and 63 shipments in private carriage; and to Missouri it made 34 shipments by common carrier and 29 in private carriage. Most of the traffic handled by common carriers was in 2-line service utilizing the facilities of Central Motor Service lines, T.I.M.E., Super Service, and ET&WNC and their connections. The company supports Bowman to points which the latter proposes to serve in single-line service. Its representative is not aware of several single-line services now available to it.

- 54 -

A soft drink bottling company at Jackson, Miss., supports the application of Strickland for expedited deliveries from Dallas and Atlanta to Jackson. It receives less-than-truckload shipments of bottles, crowns, wooden cases, and vending machines from various sources and deliveries at Jackson have heretofore been accomplished by West, Campbell Sixty-Six, Ryder, and Deaton. It is not satisfied with the transit time received on shipments from Dallas, Atlanta, and points beyond and seeks the overnight service promised by Strickland. At the time of the hearing, the routing of the company's traffic was being accomplished by the several suppliers. The volume of traffic received from Dallas is questionable.

Another bottling company at Baton Rouge supports Red Ball for service in the movement of less-than-truckload shipments of bottle caps out of Birmingham. It has used the services of other carriers, including Campbell Sixty-Six, Ryder, and Dixie/Red Ball, and although no complaint is registered against any of the existing services, it desires that the proposed service of Red Ball be made available on a single-line basis.

A producer of soft drinks and soft drink supplies at Camden, Ark., ships beverage concentrates and dry chemicals to bottling plants in the southeastern States and in the Middle Atlantic States as far north as New York. It makes 20 to 25

outbound shipments a month and such shipments average about 400 pounds each. It also has occasion to receive such items as juices, concentrates, and other materials from points in the destination territory indicated, particularly from New York City and points in Florida. The company now utilizes the services of Southwestern on all traffic originated at Camden and Southwestern has been interchanging with a number of other carriers for ultimate delivery in connecting-line service, which has on occasion involved a three-carrier participation. Complaint is made concerning transit time heretofore experienced and it desires the proposed single-line service of Bowman to improve its overall situation. Bowman is now authorized to serve a substantial number of destination points to which the company now makes deliveries, but apparently no deliveries have been routed over the existing lines of Bowman in conjunction with Southwestern.

Three of the shippers in this category ship in truckload quantities and the other four primarily in less-than-truckloads. Two of the truckload shippers operate substantial fleets of their own equipment in private carriage and will probably continue to use their

own vehicles whenever advantageous to them. Two of the supporting shippers have no complaints against existing service and seek the additional services here proposed primarily as a matter of preference for a particular carrier. Certain ones, although complaining of the transit time experienced by presently used connecting-line services, have made no real investigation as to other services available to them, both single and connecting-line. All things considered, there is very little, if any, probative evidence that the shippers in this category have any real and substantial need for the additional motor services which they support.

Vending Machines and Supplies

Nine witnesses shipping vending machines and supplies testified on behalf of five of the applicants. Bowman called 5 and 1 each was called by Jones, Johnson, Strickland, and Herrin. The Jones witness also supported Johnson and Bowman. The Johnson witness also supported Bowman, and a Bowman witness supported Johnson.

A shipper of vending machine items at Atlanta[78] has about 1,000 shipments weekly, averaging 500 pounds each, to various points in Louisiana, Mississippi, Arkansas, Missouri, Kansas, Illinois, and Oklahoma. It uses the services of Johnson, Bowman, Jones, Ryder, ETMF, and others. It operates 40 tractors and 80 trailers in private carriage, moving about 75 percent of the traffic to Memphis and Louisville from where it uses single-line service to finish the movement. It prefers single-line service over joint-line service because of damage in interchange. It desires a faster service because some items have a shelf life of only 30 days after manufacture.

Two witnesses testified for a shipper[79] with plants at Whippany, South Kearney, and Dover, N. J., from which less-than-truckload shipments are made to Dallas, Houston, and Baton Rouge. It uses such carriers as Johnson, Strickland, Super Service, T.I.M.E., Navajo, Transcon, Consolidated and Roadway. A traffic study was submitted showing for the most part, poor transit time. There is much service available, however, some of it single line, which has not been tried. Johnson has been used on only a few shipments to Baton Rouge because the shipper prefers carriers who can be contacted at Chicago where

[78] Witness No. 171.

[79] Witness Nos. 332 and 507.

the home office is located. Roadway, Johnson and Bowman presently serve all three origin points.

A shipper[80] at Scottsboro, Ala., ships approximately 3 million pounds to points throughout the United States, but is interested here primarily in Texas, Louisiana, and Arkansas. It is served by Bee Line and Ryder, using the latter over the Memphis and Atlanta gateways and the former over the Birmingham and Chattanooga gateways, with their various connections. It complains of 3-line service but was not aware of the present single-line service of Ryder and Roadway to some Texas points, as well as 2-line service of ETMF or Mercury Freight by interchange at Birmingham.

A receiver of vending machine supplies at Lake Charles, La.,[81] receives about two shipments a month, weighing from 150 to 500 pounds each, from Atlanta, Birmingham, or Montgomery. It does not select the origin carrier but some of the deliveries have been made by Herrin and this has been satisfactory. A consistent direct service is desired but it has not made much of an effort to find and use present available service.

A shipper at Kansas City, Mo., and a receiver at Pensacola, Fla., move over 1.5 million pounds of traffic in less-than-truckload quantities from Kansas City to points in Florida.[82] The freight is presently being interchanged at Birmingham, Atlanta, and some at St. Louis. Present carriers are Gordons, Campbell Sixty-Six, Roadway, Watson-Wilson, and T.I.M.E. to Birmingham and Atlanta with Toedebusch in conjunction with Ryder being used over the St. Louis gateway. A direct single-line service is desired in order to obtain faster service and eliminate interchange difficulties. There is other motor carrier service available that has not been used.

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[80] Witness No. 344.

[81] Witness No. 646.

[82] Witness Nos. 688 and 698.

A manufacturer at Conway, Ark.,[83] ships 40,000-50,000 pounds a month in less-than-truckload quantities to points in Alabama, Florida, Georgia, Maryland, the Carolinas, New Jersey, Tennessee and Virginia. It presently uses Holt Truck Lines as origin carrier to Little Rock for connections there with ET&WNC, Strickland, T.I.M.E., Gordons, Red Ball, and ABF. It desires 2-line service for faster delivery but insists on using Holt as the origin carrier. It has only occasionally used Bowman over the Memphis gateway for the 2-line service available to the Carolinas, Georgia, Tennessee, Florida and certain other areas.

A shipper at Chattanooga[84] ships annually 500,000 pounds into east Texas, 482,000 pounds into Arkansas, 280,000 pounds into Louisiana, and 632,000 pounds in Mississippi. Bowman and Robinson are predominantly origin carriers at Chattanooga and the delivery carriers are Red Ball, Central, ABF, and ETMF. It discontinued the use of Ryder about three years ago because of delay and tracing problems and Roadway because of an imbalance of equipment in Chattanooga. It prefers single-line over joint-line service but has had very little dissatisfaction with the present service.

Some of the shippers have not made any real effort to determine what motor carrier service is actually available to them at the present time. Some are using preferred carriers when a better service could be used. A reasonably adequate service is presently being provided.

Industrial Supplies, Equipment and Hardware

Thirty-six witnesses who ship or receive various industrial supplies, equipment and hardware testified in the aggregate on

[83] Witness No. 813.

[84] Witness No. 816.

behalf of all of the applicants Bowman called 8 witnesses, Red Ball and Jones called 7 each, Strickland 4, Johnson, Herrin, Roadway and Deaton 2 each, Floyd & Beasley and Baggett 1 each. Some of the witnesses testified on behalf of more than one applicant. The commodities involve such items as saws, power tools, stapling machines, lawn mowers, general hardware, industrial brushes and mill supplies, welding equipment, bottle carrying cases, pallets, moldings, car washing equipment and others.

Eleven of these witnesses support certain of the applicants for service primarily from Atlanta, Ga., to one or more points in Louisiana, Arkansas, Mississippi and Texas; and three others support service from Chattanooga, Tenn., or Augusta, Ga., to one or more points in those four States.[85] Their testimony relates to approximately 300,000 pounds of freight monthly moving in that area. In addition to Atlanta five of these witnesses also ship or receive freight from one or more of the following points for which they support their respective applicants: Hartsville, S. C., Birmingham and

Huntsville, Ala., Dallas and Houston. All of these witnesses are served by a number of motor carriers. Several complain of slow transit time or poor pickup service from the carriers being used, but some so complaining are not using nor have they investigated the other services available to them. One at times experiences difficulty in obtaining equipment for truckload shipments. Two expressed a preference for single-line service although one of these is not using the single-line service now available to him; and three support the schedules of service as proposed by certain of the applicants. Two of these witnesses

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[85] Witness Nos. 45, 63, 96, 126, 183, 136, 138, 375, 395, 408, 585, 628, 826 and 901.

supporting certain of the applicants for single-line service have not tried the joint-line service now available by the applicants they support.

Five of the witnesses ship an estimated total of 150,000 pounds of freight per month from either Greenville, Indianola, Greenwood, or Meridian, Miss., three shipping to Atlanta, Birmingham or points beyond, one to Hamburg, Ark., and the other to points in Georgia, the Carolinas and Virginia.[86] From Greenville and Greenwood to Atlanta, Birmingham and points beyond these witnesses use the services of Gordons, Campbell Sixty-Six, Roadway, ET&WNC, and to a lesser extent Deaton and Viking; from Indianola Gordons is used to Atlanta and Campbell Sixty-Six to Birmingham; and from Meridian to Georgia, the Carolinas and Virginia points the services of Ryder, Campbell Sixty-Six, Dixie and West with their connections are used primarily. Two of the witnesses wish to avoid having their traffic routed through Memphis which they view as causing delays because of traffic congestion. Two others want more single-line service as a means of improving transit time. One witness leaves the routing of his freight up to the shipper, but favors the schedules of the carrier he is supporting. These witnesses have a substantial amount of carrier service available, even though located in relatively small communities.

Nine witnesses testified as to their need for service to or from Alabama points, primarily Birmingham, Tuscaloosa, Pelham and Brewton.[87] One of the witnesses who testified on three different occasions supporting a

total of five applicants, has facilities located at various points in Alabama, Georgia, Florida and Tennessee. Besides the large

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[86] Witness Nos. 10, 204, 411, 633 and 930.

[87] Witness Nos. (52, 653, 884—same witness), 182, 193, 282, 650, 804, 839.

volume of freight he receives at his main facilities at Pelham and Birmingham from suppliers located throughout the country, he also has freight moving between his various facilities as well as from the suppliers directly to those facilities. There are over 1 million pounds of freight per month involved in his particular operation, a portion of which is handled in his private carrier operation of some 134 units of equipment. The witness uses many different carrier services which are available. His support of the five applicants is with a view to obtaining as much single-line service as he can which he believes will result in a more consistent service and one which will enable not only faster transit time but also a closer control and more efficient use of his computerized material inventory.

The testimony of the other witnesses of this group of nine relates to approximately 475,000 pounds of freight monthly. Two of them supporting service at Pelham and Brewton and a third, who ships over 400,000 pounds of pallets monthly from Tuscaloosa to Houston, primarily by rail, are interested in obtaining single-line services to avoid delays and shortages which they attribute to use of joint-line service. One has available the single-line service of one of the applicants who has solicited his business, but is not using it. Another of the witnesses has no complaint about the service he is receiving between Birmingham and Baton Rouge, Beaumont and Houston but is interested in having available as much carrier service as possible. Two witnesses complain of slow transit time and inconsistent service. One of these is using the service of three carriers and has other carrier services available, both single-line and joint-line. The other has only four shipping doors and will accept delivery of freight only in the morning, reserving the afternoon for shipping. He prefers to receive his freight from carriers he uses on his outbound shipments, including the applicant he supports. He also has available several single-line inbound services which he is not using, as well as a number of joint-line services.

Three witnesses shipping such items as handles for tools, aircraft hardware, and industrial brushes, support service from Dallas and Clarksville, Tex., and Hope, Ark., to points in Mississippi and to Atlanta, Birmingham and points beyond, and from Dallas to points in Florida, Georgia, New Jersey and New York.[88] Their testimony

relates to approximately 40,000 pounds of freight per month. Two of these use Strickland as their primary origin carrier because of its satisfactory pickup service, but complain of slow transit time to Florida and other southeastern points. They have no information concerning the connecting carrier services used nor the availability of other services. The Clarksville shipper uses Red Ball as origin carrier with ETMF as connecting carrier to Atlanta and Birmingham, and other carriers to Greenville. He has no complaint as to the Greenville service but states that occasionally deliveries to Atlanta and Birmingham are slow. He prefers single-line service for ease in tracing and to avoid interline delays.

Two witnesses receive freight at Dallas from the Southeast, Middle Atlantic and New England areas, and another ships from Greensboro, N. C., to points in Texas, Louisiana, Arkansas, Mississippi, Kansas and Missouri.[89] It is estimated that their testimony relates to over 125,000 pounds of freight per month. The two Dallas witnesses use a variety of transportation services including freight forwarders, Sea-Land service and various motor carriers. Although they complain of slow transit time they did not comment upon the other transportation services available to them nor indicate what steps, if any, they have taken to improve the service they receive. The Greensboro

[88] Witness Nos. 382, 465 and 685.

[89] Witness Nos. 368, 444 and 548.

shipper's production is booked ahead for approximately a year and he is interested in having as much single-line fast transportation service available as possible for his customers. He uses Roadway, Akers, RC and to a limited extent the applicants he supports namely, Bowman and Johnson. He considers some of his products not to be readily adaptable to interline service and for that reason prefers single-line service. However, at times he uses joint-line service when single line is available.

A witness shipping moldings for rubber stamps and marking devices from Jackson, Miss., to various points in the Southeastern, Middle Atlantic, and New England States, and one shipping car washing and steam cleaning equipment and supplies from Siloam Springs, Ark., to Atlanta, Birmingham, and points beyond, also complain of slow transit time.[90] Each is being served by three carriers at point of origin. These carriers give single-line service to some points and connect with numerous other carriers for points beyond their lines. The Jackson

witness was unaware that Bowman and Johnson as connecting carriers could give a two line service to many of his destinations. The Siloam Springs witness has not tried the joint-line service of Campbell Sixty-Six Bowman to Florida points although he has not been satisfied with present service to that area.

As will be noted these 36 witnesses have a number of transportation services available to them. Their primary complaint against their present service is that it is slow and inconsistent. However, for the most part they have services which they have not tried or are not using.

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[90] Witness Nos. 596, 844.

Toys

Five witnesses who ship toys, bicycles, childrens' vehicles, playground apparatus and gaslight equipment testified in support of seven of the applicants.[91] Bowman called 2 witnesses, and Strickland, Baggett and Johnson 1 each. Some of the witnesses testified on behalf of more than one applicant. Four of the witnesses believe that the proposed single-line services of the applicants they support will eliminate interline delays and improve transit time and tracing services. The fifth has experienced some very poor pickup service by three carriers and two others have refused to make pickups on the basis of insufficient equipment and suggested that he use other carrier services. All however, have a number of carrier services available which for the most part seem reasonably satisfactory, and some have services available which they have not used.

One of these witnesses shipping by motor common carrier approximately 23,000 pounds of toys monthly from Brent, Ala. (55 miles south of Birmingham), to Texas points has no single-line service. He uses Baggett as his origin carrier and supports that carrier's proposed single-line service as a means of obtaining better transit time on his shipments and a more satisfactory tracing service. Another shipping approximately 45,000 pounds of bicycles monthly from Little Rock to points in Alabama, Georgia, Florida, South Carolina and North Carolina, has at least five single-line carrier services available to Atlanta or Birmingham. He supports the Bowman and Jones applications for their proposed single-line service but has not tried their joint-line service over the Memphis gateway.

A witness shipping approximately one-half million pounds monthly from Bossier City, La. (across the river from Shreve-

[91] Witness Nos. 162, 328, 352, 666, 866.

port), to Jackson, Miss., Birmingham, Atlanta, Richmond, Washington, Baltimore, Wilmington and east Pennsylvania points testified on two different occasions supporting a total of five of the applicants. He has many joint-line services available which he is using and a substantial number which he has not tried over various gateways. He too prefers single-line service to eliminate interline delays and also wants available additional carrier services to avoid possible equipment shortages during rush periods.

The other witness who ships an average of about 85,000 pounds of toys monthly from Elizabeth and Plainfield, N. J., to Texas, Arkansas, Louisiana, and Mississippi points (75 percent to Texas) is using Bowman and Johnson as his principal origin carriers. He supports them for their proposed single-line service to these States. Two carriers authorized to perform single-line service to Texas points (Roadway and T.I.M.E.) have refused to pick up his freight claiming insufficient equipment and suggesting that he use other carriers. Three others authorized to perform single-line service to some points have given such poor pickup service that the shipper has discontinued using them. He is using also the service of Harris/Ryder and of Transcon although on one occasion the latter held a shipment on its platform for a week awaiting available equipment to forward it on to destination. Other carrier services also are available, some of which he is using to certain areas but has not used them in joint-line service to the southwestern States.

Rubber and Rubber Products

Twenty witnesses who ship or receive rubber products testified on behalf of all of the applicants except Deaton and Floyd & Beasley. Roadway called 6 witnesses, Bowman 4, Herrin 3, Red Ball and Johnson 2 each, and Strickland, Baggett and Jones 1 each. Some of the witnesses testified on behalf of more than one applicant.

Five of these witnesses ship or receive tires.[92] One ships approximately one-half million pounds per month by truck from Tuscaloosa, Ala., to Houston, Dallas and Fort Worth (the major portion in truckload lots) and about 1.5 million pounds per month from Tuscaloosa to Atlanta and points beyond. About half of the latter

amount is destined to consignees in the Atlanta metropolitan area. He uses the single-line service of Alabama Highway Express or Dixie to Atlanta and the joint-line service of Campbell Sixty-Six and some five connecting lines to the Texas points over the Memphis gateway. He complains that he has no single-line service from Tuscaloosa to Dallas, and further that he desires more service to Atlanta. There are numerous joint-line services available which he has not tried.

Another of the major tire shippers has plants at Gadsden, Ala., and Topeka, Kans., a warehouse at Kansas City, and three fabric mills at Rockmart, Cedartown, and Cartersville, Ga. Truck shipments from Gadsden to Topeka amount to approximately 875,000 pounds per month, to Kansas City 100,000 pounds per month, to New Orleans about 300,000 pounds per month, and from Topeka to Gadsden about 300,000 pounds per month. From the three fabric plants to Topeka over 1.7 million pounds per month are shipped. Most of the freight moves truckload. Protestant Holloway Motors is dependent upon this traffic for the major portion of its business. The witness acknowledged that he might divert as much as 50 percent of the freight from Holloway although that carrier gives him very good service. In addition, he has available the single-line service of Roadway to the western points, and of Baggett, Ryder, Dixie and Deaton to New Orleans as well as a number of joint-line services. For the most part he has good service although at

[92] Witness Nos. 25, 176, 522, 597, 910.

times some of the carriers handling the New Orleans freight have a freight balance problem.

The other three tire witnesses have an aggregate of about 13,600 pounds of freight monthly moving either from Gadsden or Akron to Morgan City, La., from Houston to Greenville, Miss., and Birmingham, or from Chattanooga to points in Mississippi, Louisiana, Arkansas, Texas and Missouri. They seek improvement in transit time for their freight, and the Houston witness also supports the proposed direct single-line service from Houston to Greenville. All have the service of a number of carriers available.

Three of the witnesses ship or receive recapping rubber and related materials aggregating about 45,000 pounds per month.[93] One shipping from Dallas to the southeastern and Middle Atlantic States uses the services of Mercury Freight, Transcon, Roadway, Gordons, Red Ball and Transamerican. He supports four of the

applicants for additional services which he hopes may result in improving transit time for his shipments. A witness from Tulsa receives his materials from Gadsden using the joint-line service of Bowman/Jones over the Memphis gateway. He supports the Jones application for single-line service. He also has available the single-line service of Transcon and other joint-line services. A San Antonio witness receives materials from Asheville, N. C., and Atlanta and ships outbound to Atlanta, Jackson and points in Florida and the Carolinas. He is served at San Antonio by ETMF, Roadway and Merchants. He complains that some of the connecting lines fail to handle claims satisfactorily.

Three witnesses supporting the Roadway application and one that of Johnson are interested in transportation of synthetic

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[93] Witness Nos. 359, 530, 740.

rubber from Baton Rouge, one to Warren, Ohio (320,000 pounds per month), and the others to points in Ohio, Indiana, Michigan, Pennsylvania, New Jersey, New York and the New England area (over 7.5 million pounds per month).[94] To Warren, Ohio, the joint-line service of Ryder/Roadway over the Birmingham gateway is used. Several other joint-line services are available including Campbell Sixty-Six/Roadway and Red Ball or Herrin and their connections. The witness wants single-line service because on occasion when joint-line carriers may fail to effect a through trailer service it is not unusual for a portion of the product to be contaminated or damaged making it unusable. In addition, the witness has very limited storage space and must depend upon scheduled deliveries of materials to keep production lines in operation. He believes that single-line service is more dependable to meet his needs. The Baton Rouge shippers use rail, barge and various motor carrier services. They have the same need for single-line or at least through trailer service to protect the product.

The Roadway application also was supported by a witness shipping baby feeding equipment and accessories from Ravenna, Ohio to points in Alabama, Louisiana, and Mississippi and by one who ships a wide variety of rubber products from plants and warehouses in Ohio, New York, Pennsylvania, Massachusetts, Connecticut, Kentucky and Indiana to the Gulf Coast area.[95] The former ships approximately 30,000 pounds per month and the latter over a million pounds per month to the areas indicated.

The Ravenna witness' plant is served by Roadway, Morrison, and Youngblood. He has only joint-line service to the Gulf Coast available. The other witness uses the large number of

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[94] Witness Nos. 223, 511, 601, 560.

[95] Witness Nos. 604 and 856.

motor carrier services available from the numerous origins and has single-line service to some points and only joint-line to others. Roadway is used extensively to the points it now serves. Both witnesses want as much single-line service as they can get with a view to improving transit time as well as tracing and claim handling.

Two witnesses testified with respect to their need for service in the transportation of textile and rubber products from North Charleston, S. C., to points in Alabama, Mississippi, Louisiana, Arkansas, Texas and Missouri, and one for service in the transportation of rubber insulating material from Atlanta to points in Louisiana, Arkansas and Texas.[96] The latter is using Johnson or Dixie to New Orleans, ETMF to Texas points, and Gordons to Arkansas. His volume is small. He complains that he has used Ryder but experienced poor pickup service, and that ETMF and its connection lost one of his shipments. He knows of other carrier services which he has not tried. The North Charleston witnesses ship or receive approximately 80,000 pounds of freight per month to or from points in the South and southeastern States named. They use the services of a number of carriers including some single line and some joint line. They complain of slow and inconsistent transit time and occasionally equipment shortages, particularly if flatbed equipment is needed. One of these witnesses expressed the view that the competition of additional carrier services as proposed by three of the applicants may result in improvement of all the services.

Three witnesses are engaged in the manufacture and distribution of a large number of industrial and automotive rubber products.[97] Two represent a company handling over 500 different kinds of engineered rubber and plastic products. They

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[96] Witness Nos. 104, 619, 767.

[97] Witness Nos. 40, 225, 683.

support applications for additional service between plants at Waynesville, N. C., and Springfield, Mo., and between the plants and warehouses at Atlanta, Dallas and Asheville, N. C. The plants receive supplies from numerous southern points and the warehouses serve the States of Alabama, Georgia,

Florida, North Carolina, South Carolina, Tennessee, Arkansas, Louisiana, Texas, New Mexico and parts of Colorado, Kansas and Missouri. Approximately 750,000 pounds of freight per month is involved in this area moving in both rail and truck service. The witnesses use the services of a large number of motor carriers but complain of slow and inconsistent transit time. In some instances they have used the service of one of the applicants as a bridge carrier for a three-line service when two-line service of two of the applicants supported was available. The testimony discloses that the witnesses have a number of services available which have not been tried and which possibly could meet their transportation needs.

The third witness supports service from Denver, Dallas and Natchez to Atlanta, Birmingham and points beyond, and from Atlanta to Birmingham and points beyond. Approximately 300,000 pounds of motor common carrier freight per month is involved. The company which this witness represents also owns a motor common carrier which serves it along with a number of other carriers. It is using some joint-line services even though single-line is available, and there are several joint-line services also available which the witness has not tried.

These 20 witnesses control a very substantial volume of freight and they have a number of carrier services available to them. Their support of the respective applicants for additional service is primarily with the hope of improving the quality of the service by reducing the transit time and simplifying tracing and claim handling and by providing more single-line service.

Office Machines and Supplies

Six of the witnesses ship or receive office or business machines of various types.[98] Two of them ship from Atlanta to customers in Louisiana and Texas and one of these also receives such machines from the customers for repairing or as a return of rented machines. A third witness located at Arlington (Dallas) ships such machines between Arlington, Greenville, Miss., and Atlanta. The freight of these three witnesses aggregates approximately 7,500 pounds per month. One of the Atlanta shippers uses bus or air service predominantly, while the other uses many different motor

carrier services which are available at Atlanta in addition to some bus service. The Arlington witness has limited dock facilities and restricts the carriers used primarily to its regular distribution carriers. He uses ETMF and Gordons on the Atlanta freight and Red Ball's joint-line service on the Greenville shipments, even though there is available a single line to Greenville. He supports the application of one of his regular distribution carriers in order to have additional service available to Greenville and Atlanta. The primary complaint of the Atlanta shippers is that their service is slow. The proposed schedules of the applicants they support appeal to them as affording a means of obtaining a more timely and dependable service at a cost less than the bus or air freight charges.

One witness ships approximately 7,500 pounds of office machines monthly from Searcy, Ark., to Atlanta, Birmingham and points beyond such as Miami, Richmond, Philadelphia and New York City. His plant is served by Powell Truck Lines of Searcy and by Superior Forwarding Company. He uses pre-

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[98] Witness Nos. 55, 95, 129, 343, 381 and 919.

dominantly the service of Powell to Memphis with open routing beyond. His support involves essentially a shift in the point at which Powell will interline the freight from Memphis (approximately 95 miles from Searcy) to Little Rock (approximaetly 50 miles from Searcy).

A witness shipping typewriters and adding machines from Groton and Cortland, N. Y., supports the Roadway application for service to the Gulf Coast area. Roadway does not serve either origin point but would receive shipments through a local carrier at Syracuse. The local carrier now delivers the Gulf Coast freight to freight forwarders. The plant is served also by Associated Transport.

The sixth witness shipping adding and computing machines from Orange, N. J., to Jackson, Miss., and points in Louisiana and Texas supports two of the applicants. He now uses Johnson, Roadway, Mason & Dixon, Jack Cole, Harris and freight forwarders. He complains of slow transit time, late pickup service, and that interline service subjects his freight to pilferage. He is aware of other carrier services available to him including single-line services to Texas points. However, he will not call those carriers for service until they solicit his freight.

- 68 -

Four of the witnesses ship or receive office furniture and related supplies.[99] Two of them receive a total of some 23,000 pounds of freight monthly at their Lafayette, La., places of business from Atlanta and Birmingham or through those gateways. They use the service of Ryder which they find to be very good from Birmingham but a little slow on freight coming through Atlanta. One witness does not route his freight while the other does, although at times he specifies "best way." They support the Red Ball application because that carrier gives

[99] Witness Nos. 345, 571, 608, 662.

them very satisfactory service in other areas which it serves directly.

One witness located at Dallas receives approximately 1,000 pounds of metal furniture monthly from Atlanta and ships outbound to Jackson. Atlanta and Birmingham approximately an equal amount. His inbound freight is routed ETMF by the shipper. He routes the outbound shipments via the joint-line service of Herrin and its connections because that carrier gives him good pickup service. He is aware of a number of single-line services available but they do not give him a satisfactory pickup. The fourth witness located at Birmingham receives his supplies from Wichita Falls and Carrollton, Tex., and Atlanta, Ga. He depends upon the suppliers to route the freight, and has no knowledge of transportation services available nor whether they have been tried. He considers that the service he is receiving is unsatisfactory in that the transit time is too long.

The testimony of these 10 witnesses shows support of the applications primarily as a matter of shipper convenience or preference and as a possible means of obtaining faster transportation service. They have a number of carrier services available some of which they have not tried.

Grocery Store Items

Twenty witnesses who ship or receive grocery store items testified in the aggregate in support of all of the applicants except Floyd & Beasley, Strickland and Baggett. Some support more than one applicant. Bowman called 6 witnesses, Ball 5, Jones 4, Herrin 3 and Deaton and Johnson each. All of the witnesses have a number of motor carrier services available some of which they have not tried. Some testified with very little knowledge of the existing services, and some expressed merely a desire for single-line service or faster trans-

portation. While they control a large volume of freight, their testimony shows little need for additional service as proposed by applicants.

- 69 -

Four of the witnesses ship from Atlanta to points in Mississippi, Louisiana and Arkansas, and four located respectively at Indianola, Miss., Alexandria, La., Muskogee, Okla., and Amarillo, Tex., receive supplies from Atlanta.[100] The freight of these eight witnesses exceeds 1.3 million pounds per month. They have some single-line service available and numerous joint-line services out of Atlanta, via gateways at Memphis, Jackson, Birmingham, Mobile, New Orleans and Dallas. Their general complaint is slow transit time. One witness so complaining has never routed any of his freight and has not tried a number of the joint-line services available. Another expressed a desire to have more protective service available for his shipments of beverage syrups when the temperature may be below 20 degrees. Two witnesses handling such items as potato chips, ice cream cones and related items, urge that single-line service is necessary both from the standpoint of rapid transit and to minimize damaging of the products through excessive handling. Another who is not critical of his existing services expects to benefit by the large number of points in Arkansas and Louisiana which the applicant he supports will be authorized to serve from Atlanta if his application is approved.

Two other witnesses shipping tobacco products, one from Richmond and the other from Greensboro and Louisville, destined to distribution points in the Southwest such as Houston, Dallas, Fort Worth, New Orleans, Shreveport, Little Rock and Kansas City, and a third, shipping dog care products from Richmond to southwestern points, support in the aggregate

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[100] Witness Nos. 181, 196, 245, 350, 417, 639, 680 and 831.

three of the applicants.[101] They ship in excess of one million pounds per month to that area. One considers his present joint-line service satisfactory, but prefers single-line. These witnesses use piggyback service for a large portion of their shipments but also need the services of motor carriers. All are served by a large number of motor carriers.

Four of the witnesses support service from their respective producing or origin points to Atlanta, Birmingham and points beyond.[102] Their freight aggregates

about 700,000 pounds monthly. Two of these operate five plants each, located in small communities in northwestern Arkansas and northeastern Oklahoma. They often have truckload shipments made up of freight from two or more of the plants, consolidating the shipments at their respective main plants at Fort Smith and Siloam Springs, Ark. Both operate as private carriers and one also employs both contract and common carrier services. The other uses common carriers incuding a refrgerated carrier service at times when it may be necessary to protect canned goods from freezing. The latter witness complains that refrigerated equipment is not always available when needed, and further that he wants single-line service inasmuch as it is his company's policy not to use joint-line service. Jones serves the various plants and could consolidate the shipments for full loads. There is no indication that either shipper has attempted to utilize that carrier in a trailer interline service.

Of the other two witnesses, one ships sugar from Supreme and coffee from New Orleans and the other ships canned sweet potatoes from St. Francisville (30 miles north of Baton Rouge) and will ship also from a new plant under construction at

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[101] Witness Nos. 326, 869, 928.

[102] Witness Nos. 541, 570, 616, 787.

Valladeau to Atlanta, Birmingham and points beyond. The latter witness has no particular complaint with his existing transportation service but wants additional regular route service available. The other who is served by several motor carriers supports one of the applicants for single-line service which he believes will provide a more consistent and dependable transit time for his freight.

Two witnesses shipping substantial volumes of freight to Mississippi and Louisiana points from their distribution warehouses, one located at Birmingham and the other at Chattanooga, support respectively the Red Ball and Bowman applications.[103] From Chattanooga Bowman is used as origin carrier with open routing beyond. The witness is not dissatisfied with the Bowman joint-line service but believes that its proposed service to Mississippi and Louisiana points will result in shorter transit time for his freight. A number of different carriers are used as origin carriers at Birmingham with Red Ball being used as a delivering carrier. The witness was unaware of a number of single-line services available from Birmingham and had very little specific information concerning the carriers used or the extent to which his company served the area in private carrier operations.

- 71 -

Two other witnesses support the Herrin application for its proposed single-line service from Houston to Jackson, Miss., and from Memphis to Columbus, Ga.[104] The Houston witness is using the single-line service of Red Ball and has other single-line service available as well as a number of joint-line services which he is not using. The Memphis witness who ships snuff, tobacco and insecticides was not aware of any

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[103] Witness Nos. 340, 675.

[104] Witness Nos. 265, 718.

single-line service to Columbus. He uses several different origin carriers for this service but had no knowledge of the delivering carriers.

A witness supporting the Bowman application for the transportation of canned animal food from its proposed new facilities at Golden Meadow and Lockport, La., to points in Alabama, Georgia and the Carolinas contemplates a production of around 800,000 pounds monthly for this area.[105] That volume will require the services of a number of motor carriers. The shipper has testified previously on behalf of 16 carriers seeking authority to serve the new plants, including several proposing deliveries to this four State area. Three motor carriers already hold authority to serve the Golden Meadow and Lockport facilities including one of the applicants in this proceeding.

Photographic Equipment

Three shippers of cameras, projectors, films, chemicals, and related items testified in support of Herrin, Bowman, Johnson, and Red Ball. Two of the witnesses[106] ship in less-than-truckload quantities from Atlanta to New Orleans, Baton Rouge, Birmingham, Memphis, and points in Mississippi. Approximately 2.5 million pounds of freight moves each year. The single-line service of Dixie, Ryder, Johnson and Southern Railroad is used, as well as the joint-line service of GFA/West and GFA/Red Ball. Ryder is used to Birmingham, ETMF to Memphis and Deaton, Dixie and Johnson to some Mississippi points. There is no difficulty on the traffic to Birmingham or Memphis. To other points there is some complaint about the transit time and service not being dependable. There

[105] Witness No. 927.

[106] Witness Nos. 9 and 33.

was no recollection of any particular claims on shipments to points in Mississippi.

A shipper[107] at Dallas supports Herrin and ships from Dallas to Montgomery, Mobile, Birmingham, Atlanta, and Jackson, Miss. About 200 pounds move weekly over

the single-line service of Red Ball to Mobile and Herrin is used on shipments to Montgomery, Birmingham, and Atlanta, with point of interchange unknown. Single-line service is desired to all points, but there is considerable motor carrier service presently available, some of which has not been used.

Petroleum Products, Supplies, Equipment

Seventeen witnesses who ship or receive petroleum products, supplies, equipment and related items, testified, in the aggregate, in support of all of the applicants except Floyd & Beasley. Some support more than one applicant. Strickland called 4 of these witnesses, Bowman 3, Herrin, Red Ball, Baggett and Johnson 2 each, and Roadway and Jones 1 each.

Nine of these witnesses handle packaged petroleum products and allied items aggregating approximately 4.75 million pounds per month.[108] One shipping from El Dorado, Ark., to Greenville, Miss., Atlanta and Birmingham and points beyond is using his own vehicles for shipments going to Mississippi which total about 400,000 pounds per month. This private carrier operation was begun in January 1966 following advice by protestant ABF that it preferred not to handle its freight to Greenville (which is located about 113 miles east of El Dorado). The other common carrier services available from

[107] Witness No. 409.

[108] Witness Nos. 75, 115, 230, 314, 546, 556, 577, 793, 836.

El Dorado to Greenville require operation through Memphis. a distance of approximately 400 miles.

Another witness shipping from Fort Worth to the Southeastern, Middle Atlantic and Northeastern areas also uses private carrier operation for his truckload shipments to the Southeast, but supports additional common carrier service for his less-than-truckload shipments. He complains that existing services, which include some of the applicants as well as protestants, are slow and that tracing and pickup services are unsatisfactory. This witness is served by a number of carriers furnishing single-line service to some points and joint-line services to the others.

A witness served by a number of motor carriers is supporting Baggett for its proposed single-line service from Port Arthur, Tex., to the territory in Alabama and Georgia which that carrier is authorized to serve. He complains that some of the carriers authorized to serve Port Arthur do not make pickups there. Baggett is now used as origin carrier for the return of shipping containers and certain supplies.

- 73 -

One witness who ships over 2.2 million pounds of petroleum products in containers per month from Smiths Bluff, Tex. (5 miles south of Beaumont), to points in Alabama, Florida and Tennessee is supporting four of the applicants in an effort to have available single-line service to as many points as possible. He has no problem with his existing single-line service on full trailerloads destined to one point, but has some difficulties in aligning shipments where multiple stopoffs are involved, and in obtaining service for the return of empty drums. His stopoff shipments constitute about 50 percent of all shipments and generally have two stops in addition to final delivery. This witness now has available and is using a number of single-line services for many points, including stopoff shipments, and his company

is the larges: shipper in the Beaumont area of one of the protestants.

Another shipper of over 1 million pounds monthly of packaged petroleum products from Kansas City, Kans., to points in the Carolinas, Georgia and Florida supports the Bowman application for its wide territorial coverage in the destination States. It is his opinion that split deliveries can be better aligned with that type of service available. This shipper now has single-line service to many of the points in these four States and can use the service of Bowman and many other carriers as connecting carriers within that area.

A witness who ships monthly about 443,000 pounds of packaged petroleum products and filling station items from Baytown, Tex., Baton Rouge and New Orleans to points in Georgia, Florida and South Carolina, and from Charlotte, N. C., to points in Arkansas and Louisiana, supports three of the applicants. He complains of instances of slow transit time and some inconsistency of service from the numerous carrier services he employs. While he has a large volume of freight moving he has not made a real study of the services available to him and was unaware of some services available including some single-line service. From Baytown he prefers to have one carrier make all pickups and distribute the freight to the various line-haul carriers, although if the line-haul carrier insists, he is permitted to make the pickup directly.

A shipper of synthetic petroleum and resins in drums and bags from Handsboro, Miss., supports the Roadway application as a means of obtaining a single-line service to various Ohio points and additional service to Pennsylvania, New Jersey, North Carolina and Georgia points. The bags are susceptible to damage from excessive handling. The shipper uses the single-line service of Johnson to many of the eastern points

and has single-line service to other areas. The proposed Roadway service at Handsboro will afford the shipper single-line service for a large portion of the points to which his shipments are destined.

Eight of this group of 17 witnesses ship or receive oilfield equipment, supplies and related items.[109] Of these five were not particularly critical of their present services. One wants additional carrier service out of Houston for competitive purposes and four support certain of the applicants for such improvements in service as may result if their applications are granted. One of the witnesses supporting service between Shreveport on the one hand, and Atlanta and Birmingham and points beyond on the other, complains of slow transit time, lost shipments and poor claim service. Another supporting one of the applicants for service from Atlanta to Houma and Shreveport, La., and Houston, did not complain of the Houston service but considered it slow to the other points. These latter two witnesses have a number of motor carrier services available.

A witness supporting one of the applicants for service from Birmingham, Charlotte, Philadelphia and New Haven to Houston, bases his support upon the proposed schedules of the applicant which he believes provides a faster and more consistent service.

The evidence discloses in general the availability of a substantial number of carriers to serve these witnesses, some of whom seek essentially additional common carrier service to supplement their private carrier operations. There is evidence of a failure or reluctance of some of the existing carriers to handle the shipments of some of the witnesses. Such evidence of selectivity reflects adversely upon existing services and especially where as in the case of the one witness having a substantial amount of freight moving from El Dorado to Greenville the

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[109] Witness Nos. 167, 353, 462, 505, 536, 537, 750, 777.

failure of the direct line carrier to perform under its certificate left the shipper with only an extremely circuitous common carrier service available.

Paint and Related Items

Eleven witnesses who ship or receive paint, lacquer and related items testified in the aggregate on behalf of six of the applicants. Bowman call 6 witnesses, 3 of whom also supported Johnson. Herrin called 2, and Roadway, Strickland and Baggett called 1 each.

- 75 -

The six witnesses supporting the Bowman application ship or receive an aggregate of about 413,000 pounds of paint and related items per month [110] One supporting the proposed service from Dallas to Miami uses ETMF or Herrin as origin carriers and the customer specifies the delivering carrier. He has used a number of different connecting line services but wants single-line service to speed delivery of his shipments. The witness supporting service from White Plains and Hicksville, N. Y., to Dallas uses rail and freight forwarder services. He has made no investigation as to what motor carrier services are available to him.

A New Orleans witness receives shipments from Chattanooga via Ryder. That carrier's service has been very good since the witness complained to the president of the company, but he does not want to be dependent upon one single-line carrier. He is not aware that other single-line service is available to him, but would have no objection to trying it. He does not want to use joint-line service because of in transit delays at interline points. A Chattanooga witness also wants single-line service as proposed by Bowman to points in Arkansas, Louisiana, Mississippi and Texas. He is using private carriage and the common carrier

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[110] Witness Nos. 288, 406, 576, 669, 846 and 914.

service of Bowman and its connections. He believes that single-line service as proposed will give him faster transit time. He is not now using some of the single-line services which are available to him.

One of these witnesses supporting the proposed single-line service from Cantonment, Fla. (16 miles north of Pensacola), to the company's branch offices in Memphis, Camden, Ark., Monroe, La., Houston and Kansas City, is not using the single-line service now available to some of the points. He is using the joint-line services of the carriers he supports for single-line service. At times he has a problem getting pickups prior to his normal 3:30 p.m. closing time which then entails paying an employee overtime to keep the loading platform open. Another witness supporting service from Baltimore and Atlanta to points in Arkansas, Louisiana, Mississippi and Texas, also is not using some of the single-line services now available to him for this area. In addition he has a number of joint-line services available. Both of these witnesses believe that the proposed single-line service of the applicants supported may improve the transit time for their shipments.

- 76 -

Two witnesses supporting the Herrin application for service, one from Mobile to Houston (approximately 25,000 pounds per month) and the other from Atlanta to Baton Rouge (approximately 1,000 pounds per month) have both single-line and numerous joint-line services now available to them.[111] The service, however, is not completely satisfactory because it is slow and in addition, there is too much damage in connection with the single-line service from Mobile to Houston. They believe that the proposed schedules of Herrin will result in improvement of their competitive positions. Another witness supporting the Strickland application for service from Atlanta to

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111 Witness Nos. 271 and 640.

Jackson and Greenville, Miss., uses the services of Dixie, Ryder, Deaton and Gordons to Jackson and the latter two to Greenville.[112] He experiences occasional pickup delays and is desirous of faster transportation of his freight. He ships approximately 1,500 pounds per month.

A Montgomery, Ala., witness supporting the Baggett application for service to Texas points, uses West, Dixie or AAA as origin carriers with open routing beyond.[113] He uses Roadway out of Montgomery to some points but was not aware that Roadway serves Texas points; nor has he tried the service of Baggett and its connections over the New Orleans gateway to Texas points. He ships approximately 9,000 pounds of freight per month to Texas. At times he has difficulty in obtaining open-top equipment and experiences slow transit time. Another witness supports the Roadway application for service from Knoxville, Tenn., to New Orleans (approximately 5,000 pounds per month) and to Loxley and Prichard (Mobile), Ala., for contemplated future accounts (which may total 2,500 pounds per month).[114] The shipments to New Orleans have been handled by Ryder in single-line service and by Central, Georgia Highway Express or Robinson as origin carriers for joint-line service. He has not tried the joint-line service of Roadway over the Birmingram gateway from which there are numerous connections to New Orleans and Mobile. His support is based upon a desire to improve transit time for his shipments.

- 77 -

Three of these 11 witnesses have very little knowledge of transportation services available to them and six supporting their respective applicants for additional transportation service have

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[112] Witness No. 161.

[113] Witness No. 68.

[114] Witness No. 264.

not tried or are not using some of the motor carrier services now available, including some single-line as well as joint-line service. In most instances these 11 witnesses base their support of the respective applicants upon the proposed schedules which they believe will result in service superior to that which they are receiving.

Twenty-one witnesses shipping such items as greeting cards, business forms, printing materials, magazines, catalogs, books, checks, admission tickets, and similar items and materials testified on behalf of six of the applicants. Herrin, Red Ball, Bowman and Jones each called four witnesses and Roadway called five. Two testified on behalf of other applicants. Transit time is important to these witnesses to meet seasonal demands or date limitations of their products, and to replenish limited inventories.

Six of these witnesses shipping from Arkansas points to Atlanta, Birmingham and to points beyond particularly in the southeastern States testified on behalf of Bowman and Jones.[115] Their testimony relates to approximately 335,000 pounds of freight monthly. The major portion (250,000 pounds) originates at Osceola, Ark., which is served by Gordons, Campbell Sixty-Six, ET&WNC, ABF, Jones, M. A. T. Lines, and Superior. Gordons provides single-line service to Atlanta and Birmingham, Campbell Sixty-Six to Birmingham, ET&WNC to various points in the Carolinas and Tennessee, and Jones and ABF to Memphis and other points. The Osceola witness who supports the Jones application complains that Gordons will not make daily pickups and that Campbell Sixty-Six has stopped serving his plant, leaving only Gordons with single-line service to Birmingham and Atlanta. In response to urging by this witness Gordons provided a daily pickup for about two months from its Memphis terminal about 50 miles away, but found that the volume of freight did not warrant daily pickup on less-than-truckload shipments. Arrangements were therefore made for Gordons to pro-

[115] Witness Nos. 710, 764, 784, 833, 843, 851.

vide a trailer pool at Osceola and to spot both a northbound and a southbound trailer at the plant for the accumulation of less-than-truckload freight. When ready the plant calls Gordons to move the freight. This arrangement and service is in operation.

- 78 -

The Little Rock witness is served by substantially the same group of carriers authorized to serve Osceola and there are a number of carrier services available to him, including some combinations of service which he has not tried. He complains that Campbell Sixty-Six will not pick up shipments under 500 pounds and also of slow transit time. The witness from Fayetteville uses Campbell Sixty-Six to Birmingham interlining there with Bowman or with Hall for Florida points, and with Transcon or Georgia Highway Express for Atlanta and other Georgia points. The Bentonville witness (who is served by several carriers) complains that he has no single-line service to Atlanta. These witnesses support the proposed Jones service especially to Atlanta (as well as Birmingham) as a means of increasing the number of connecting carriers available for a 2-line service to Florida destinations.

The Fort Smith witness has used the service of Mercury Motors as origin carrier to Memphis with open routing beyond since 1933. The witness from Camden uses the services of Atlas or Southwestern to Memphis for interlining for New York City. They have no serious complaint against their existing services.

Five witnesses testified as to their need for the service of certain of the applicants principally from Atlanta, and one from Birmingham, to Louisiana points, with a minor portion of their freight going to certain Texas, Arkansas and Mississippi points.[116] They ship in the aggregate approximately 190,000

[116] Witness Nos. 98, 99, 103, 184, 641, 835.

pounds of freight monthly to such points. One witness also ships outbound from New Orleans to Mobile and Pensacola. They use such single-line services as Johnson, Ryder, Dixie, Baggett and Campbell Sixty-Six, and joint-line services involving those carriers as well as Bowman, ETMF and possibly others with their various connections over the gateways of Jackson, New Orleans, Shreveport, Memphis and Mobile. Their general complaint is slow transit time, or at least they support applicants for any proposed improvement in service. Some of these witnesses supporting one applicant complain that another applicant's service is unsatisfactory. One commenting that the Dixie service is very good wants available also the single-line service of Roadway as an additional carrier. Roadway now handles 60 percent of his freight to other areas and the additional authority will tend to relieve congestion at his limited shipping facilities.

- 79 -

Four of the Roadway witnesses supported that carrier's proposed service to the Gulf Coast area including Baton Rouge, New Orleans, Mobile and Pensacola from such diverse origins as York and Bedford, Pa., Englewood Cliffs, N. J., Rockville, Md., and Burr Ridge, Ill. (Chicago commercial zone).[117] They ship approximately 220,000 pounds of freight monthly to these points. They all have a number of carrier services available to them. However, they complain of slow transit time, poor tracing, and one complains that Johnson will not make pickups on Saturday or Sunday or after 6 p.m. Three use the services of Roadway extensively in other areas and desire its service to the Gulf Coast area as a means of limiting the number of trucks calling at their small shipping docks and of obtaining a more satisfactory transportation service.

A witness shipping from Cutler Ridge, Fla. (15 miles south of Miami), to Houston, Dallas, Lubbock and San Antonio and

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[117] Witness Nos. 91, 218, 389, 468.

one shipping from Kansas City to points in Florida support the Bowman application.[118] From Kansas City the witness is using the services of Campbell Sixty-Six, Transcon, Gordons, and T.I.M.E. to either Birmingham or Atlanta for interline to carriers for Florida destinations. He also uses the services of freight forwarders and REA. Although he does not route beyond the originating carrier he assumes that Bowman has been a delivering carrier on some of his shipments. The witness shipping from Cutler Ridge to the Texas points also uses Bowman as a pickup carrier with Ryder, Transcon, T.I.M.E., ETMF or Gordons as delivering carriers. They have an aggregate of about 120,000 pounds of freight per month. Both of these witnesses urge approval of the Bowman application for single-line service between points in Florida and points in that applicant's proposed extended territory as a means of providing faster service and eliminating tracing difficulties.

Three Texas shippers (two supporting the Herrin application and one that of Red Ball) seek service from Dallas and Houston to Atlanta, Columbus, Birmingham, Mobile, Jackson and Greenville.[119] The Houston shipper has been in business for 3½ years and has always used bus or express service for his shipments. He has no experience with the existing transportation services. One of the Dallas (Arlington) shippers, who schedules his shipments for about 2:30 p.m. because of limited dock space, has daily pickup service by six carrires including

Roadway which will continue to handle its Atlanta shipments. Both Dallas witnesses are interested in obtaining more single-line services. One complains that certain of the existing single-line carriers have not solicited his business. They have a number of carrier services available which they are not using.

[118] Witness Nos. 694 and 788.

[119] Witness Nos. 227, 273, 520.

The 21 witnesses in this group support their respective applicants with the hope of improving their available transportation services primarily with more single-line service, better pickup service, and faster and more consistent transportation. They have a number of transportation services available at present. Their products can be and are handled in joint-line service to many points.

Sporting Goods

Three shippers of sporting goods from Arkansas origins and two from Texas origins were called as witnesses by Baggett (1) and Jones (4).[120] Two also support the Bowman application and one that of Johnson. These witnesses ship golf and fishing equipment from Fayetteville, Ark., and Fort Worth, Tex., to Atlanta and Birmingham and points beyond in the Southeast, Middle Atlantic and Eastern States, oars and paddles from Conway, Ark., and air rifles and related items from Rogers, Ark., to the same destination area, and motorcycle parts and accessories from Houston to Birmingham.

The motorcycle witness has used the services of ETMF and Mercury Freight and receives about 2,000 pounds of freight monthly. He places his orders for such supplies with his California supplier who in turn ships from the Houston warehouse. Although complaining of slow transit time the witness has no knowledge of the length of time his shipments are in transit. He gave no information concerning inadequacy of transportation services available. Neither of the witnesses from Conway and Forth Worth, who ship respectively about 7,500 and 1,000 pounds of freight monthly, have any knowledge of the transportation services available to them nor have they made any investigation to determine such information. Both complain

[120] Witness Nos. 121, 133, 458, 483, and 681.

of slow transit time and damage to the display cartons in which their shipments

are made. From Fort Worth the witness is using the services of Roadway and Mercury Freight, and from Conway shipments are originated by either ABF or Holt with open routing beyond the origin carriers. The Bowman proposed service from Conway contemplates a two-line haul and that of Jones a two-line service for many points. Such service is now available through a number of connections.

The Fayetteville witness ships approximately 25,000 pounds of freight monthly into the specified area and contemplates a growth of 300 to 500 percent in the next year with the addition of new items. He uses the services of Jones and its connections. Approximately 80 percent of the freight requires two or more carriers to reach destination. It is his opinion that the proposed single-line Jones service to Birmingham and Atlanta will speed up delivery of his shipments. The Rogers' witness ships approximately 450,000 pounds of freight monthly to Atlanta, Birmingham and points beyond. His plant is served by Campbell Sixty-Six, Red Ball, Jones, ABF and Frisco Transportation. Campbell Sixty-Six has single-line service to Birmingham from which point interline service to the broader area is available. To Atlanta a joint-line service is used. This witness too believes that the proposed Jones second day service to Atlanta and Birmingham will improve the transportation now available for him.

The support of these five witnesses for their respective carrier services is based essentially upon the schedules of the applicants which they believe will result in improved transportation.

Plastics

Thirty-two of the witnesses who ship or receive plastics and plastic products testified in the aggregate in support of all of the applicants. Some testified on behalf of more than one.

Six of the witnesses shipping or receiving plastic products including polyethylene film, liquid and foam plastic, plastic pins, sheets, rods, tubing, pipe, etc., from Georgia, North Carolina and South Carolina origins testified concerning their need for services proposed by certain of the applicants, particularly to Texas, Louisiana, Mississippi and Arkansas points.[121] Their testimony relates to an estimated 45,000 pounds of

freight monthly. The witness shipping from Columbus, Ga., is using the services of Ryder, Dixie, Roadway and of Cole/Herrin. He also has available the connecting line services of West, Mercury Freight and others. He complains of slow and inconsistent transit time. At one time Ryder's service was stated to have been very good, but it deteriorated and this shipper has not used Ryder in the past two years. The Beaumont plant to which he ships will not accept deliveries after 2 p.m. and it is therefore necessary at times for the delivering carrier to hold shipments an extra day.

Witnesses from Everman (Fort Worth), Tex., and Shreveport, La., support the Strickland proposed joint-line service from Marietta and Cartersville, Ga., respectively. The former lets the shipper route his freight and a number of multiple line services have been used. Because of poor delivery service which resulted in the temporary closing of a plant a few times he has changed his source of supply to Detroit and receives the shipments via Strickland. If the Strickland application is granted

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[121] Witness Nos. 308, 838, 794, 15, 38, 795.

he will consider changing the supply source back to Marietta. He also would use Strickland in the movement of his finished products to Atlanta for interline with other carriers to points in the Southeast, particularly Florida destinations. The Shreveport witness supports the Strickland application both for the receipt of materials from Cartersville which Strickland would receive at Atlanta from the originating carrier, and for shipments from Shreveport to Mississippi and Arkansas points on U. S. Highway 82 and to Birmingham. His plant is served by a number of carriers. He is interested in using the service of Strickland more extensively outbound inasmuch as that carrier has served him well on the inbound freight.

The witness from Gastonia, N. C., uses the service of Bowman as origin carrier with open routing beyond. He also has available single-line service of Ryder and of Roadway to a number of points in the area. He has not used Ryder for approximately two years because of poor pickup service and only recently became aware of Roadway's service. His shipments are light and bulky. He is of the opinion that Bowman's proposed single-line service will make him more competitive in this particular area. Similarly, the Spartanburg, S. C. and Cornelius, N. C., witnesses use the services of a number of motor carriers and believe that there are others available which they have not tried. Their support is based upon a desire for single-line service and schedules as proposed by applicants for whom they testified.

Another six of these witnesses ship a total of about 250,000 pounds of freight monthly from Texas origin points.[122] Two of them support the Herrin application for service from Dallas to Mobile and Jackson, one shipping plastic pipe and fittings and the other phonograph records. They have used the services of

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[122] Witness Nos. 232, 269, 306, 471, 495, 808.

Red Ball, Braswell, Gordons and T&P Transportation. One has discontinued using Braswell because of poor service and the other has made Braswell its preferred carrier. The pipe shipper has experienced some very slow service and tracing difficulties.

Another Dallas shipper witness has been operating his plant for eight months shipping his products (seamless flooring and resin) via Red Ball to nearby Texas points and Texarkana. He anticipates a business growth which will encompass shipments to points in the southeastern States and supports the applications of Jones, Johnson and Bowman. He made no mention of the existing transportation services available. Similarly, a witness shipping magnetic computer tape from Graham, Tex. (west of Fort Worth), to Atlanta, Birmingham and points in the Southeast, wants fast single-line service for his shipments many of which are of minimum weight. Yet, he is not familiar with the carrier services available nor with the fact that the proposed Red Ball service which he supports does not include single-line service to points beyond Atlanta and Birmingham.

A shipper of decorative plastic laminate from Houston to Greenville, Jackson, Birmingham, Atlanta and points beyond, also receives such materials at Houston from Tampa, Fla., and Atlanta and Jackson. He has used the services of Ryder, Mercury Freight, ETMF and bus but complains that their transit time is too long and too inconsistent. He is not aware of other transportation services available and supports the Strickland application.

The witness shipping the major portion of the tonnage herein involved (230,000 pounds per month) manufactures water closet seats. He supports the proposed Red Ball service from Pineland (in east Texas) to points in Mississippi, Alabama and Georgia. He handles about 70 percent of the tonnage by his private carrier operation and uses Red Ball as origin carrier for the remainder. He is interested in discontinuing his private car-

rier operations and wants a single-line service to Atlanta and Birmingham as proposed by Red Ball.

- 84 -

Three of the witnesses are interested in faster service from Arkansas or Oklahoma origins to their respective destination areas.[123] The witness from Fort Smith supplies his Birmingham customer with about 100,000 pounds of molded chair seats, desks and other items monthly. The major portion of that freight is picked up by the Birmingham buyer as a back haul for his private carrier operation but for the remainder he uses the single-line service of Gordons or the joint-line service of Jones Jack Cole over the Memphis gateway. He is aware that there are several connections available out of Memphis. The other Arkansas witness ships approximately 50,000 pounds of plastic protective coating material (in metal containers) monthly from Hope, Ark., to Atlanta and North Carolina points. He is using the service of Strickland interlining with T.I.M.E., ET&WNC or Transcon at Memphis, or that of Midway interlining with ET&WNC or T.I.M.E. at Little Rock. Some other carriers offer service for truckload shipments from Hope. The Oklahoma witness ships approximately 30,000 pounds of fiberglas pipe monthly from Tulsa to Bartow, Fla., using the joint-line service of Roadway Ryder over the Charlotte gateway. He finds that service superior to that of T.I.M.E. or Transcon to Atlanta and either Ryder, Central, Terminal, or Tamiami beyond, which he previously used and experienced delayed shipments and difficulties in tracing. However, the Roadway/Ryder transit time is a little slow because of the circuity involved. He has not tried the Jones Ryder service over the Memphis gateway or that available over either the Birmingham or New Orleans gateways but has no objection to trying them.

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[123] Witness Nos. 774, 771, 742.

Four witnesses from the New England area testified, two each supporting the applications of Roadway and Johnson.[124] The Roadway application was supported for service from Wilmington and Salem, Mass., to the Gulf Coast area including New Orleans, Baton Rouge, Pascagoula, Gulfport, Biloxi, Mobile and Pensacola. That of Johnson was supported for service from Worcester, Mass., to Jackson, Miss., Baton Rouge, Monroe and Shreveport, La., and the Houston and Dallas areas in Texas; also from Woonsocket, R. I., to Texas points. In the aggregate their testimony relates to over 310,000 pounds of freight monthly. All of these shippers have a number of carrier

services available to them. The Roadway witnesses use the services of that carrier extensively and it will tend to relieve carrier congestion at their plants to have the services of Roadway available to the additional Gulf Coast points. From Wilmington the shipper uses T.I.M.E. as the originating carrier with interline at Memphis to Herrin for New Orleans, to Red Ball for Baton Rouge, and to Gordons for Biloxi. Roadway, Strickland and Johnson are used as origin carriers from Salem. The witnesses supporting Johnson use the services of car-loading companies extensively as well as that of a number of motor carriers. They both prefer single-line service. The Woonsocket witness, who uses the joint-line service of Johnson/ETMF to Beaumont, Tex., and reports it to be very good, has not tried that joint-line service to other Texas points. The Worcester witness complains that Roadway and Transamerican have been unable to furnish equipment. Akers serves three of the four origin points and its service is used by two of the shippers for destinations in the South, but its joint-line service to southwestern destinations is not used.

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[124] Witness Nos. 392, 512, 860, 903.

Five of the witnesses originate shipments at either Montgomery or Birmingham, Ala.[125] Two of the five receive their freight at Lafayette, La., totalling approximately 1,500 pounds per month. They use the services of Ryder or of West and its connections, as well as some bus and express service. They complain of slow transit time and unsatisfactory handling of claims, and support Herrin's proposed single-line second day service as a means of correcting those deficiencies. One of these witnesses was not familiar with the transportation services available and leaves the routing of his freight up to the shipper.

Two of the witnesses supporting the Deaton application for single-line service from Birmingham to Baton Rouge, Beaumont, Texas City, Orange and Houston, ship a total of about 20,000 pounds of freight monthly to those points. One who is using the services of Ryder, Viking, and until recently Campbell Sixty-Six, to Baton Rouge has no complaint against those services. The additional Texas points are now served from his Dallas facility which is to be closed. He has made no investigation of transportation services available from Birmingham to the Texas points. The other Birmingham witness is using the services of Mercury Freight and Ryder. His shipments often are delivered to construction sites at

the named points. The witness supporting the Baggett application for service from Montgomery to Texas points ships approximately 300,000 pounds of freight monthly to that area. He is using private carriage as well as the services of Baggett, AAA and Caden as origin carriers with Transcon, ETMF, Red Ball and others as delivering carriers. He has not used the Mercury Freight service. He finds the existing services adequate as a secondary service to private carriage. However, he believes that

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[125] Witness Nos. 153, 165, 197, 562, 564.

the interlining of freight causes damages and delays. It is his opinion that the proposed Baggett service would help solve these problems and possibly would enable his company to eliminate its Dallas warehouse.

Three witnesses called by Roadway and two by Bowman ship approximately 600,000 pounds of freight monthly into the Texas, Arkansas, Louisiana and Mississippi areas from origins in New Jersey, New York, Maryland, Ohio and Tennessee.[126] The witness shipping the major portion of this freight (about 400,000 pounds monthly) supports the Bowman application for the transportation of plastic and fiber pipe and conduit from Orangeburg, N. Y., to Texas, Louisiana, Arkansas and Mississippi points. He uses the services of rail, Sealand, Malone and Coker, which all provide certain rate advantages, and also those of Transamerican, Midwest and of Bowman and its connections. Roadway, Strickland and T.I.M.E. have indicated to him that they are not interested in this freight. Approximately 80 percent of his shipments require flat-bed or converta van equipment and 75 percent require a stopoff service. The shipper experiences difficulty in obtaining flat-bed or converta van equipment from time to time. It is more difficult to obtain service if an equipment interline or stopoff service is involved as the carriers with such equipment seem unwilling to let it go beyond their own lines. The other Bowman witness (also supporting the application of Johnson) ships approximately 8,000 pounds per month of plastic bottles and caps from Baltimore to Dallas, Houston and Little Rock using the services of Roadway, Transamerican, Associated and a freight forwarder. He complains of slow transit time and delayed pickups by some of the carriers. However, there are a number of both single-line and joint-line services available which he has not used and of which he is aware.

The three Roadway witnesses base their support of that carrier upon their desire for its proposed single-line services as a

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[126] Witness Nos. 496, 664, 858, 861, 904.

different carrier services. He is particularly desirous of a consistent single-line service from Atlanta to Monroe, La. In his opinion it will be a convenience to have available the proposed Red Ball single-line service from Atlanta and Birmingham inasmuch as that carrier now serves many of the Louisiana and Mississippi points in which his clients are interested. The witness also supports the Johnson application particularly in connection with a single-line service from origins beyond Atlanta and Birmingham.

Another witness representing four companies located at or near El Dorado, Ark., and one at Texarkana is interested in single-line service to Atlanta and Birmingham as a means of speeding up transit time. This witness' clients are served by a number of carriers and the witness likes to use them all. As a result at times he uses a three line service when two line service is available. One of the companies he represents ships light and bulky freight which some of the carriers use as top freight to fill out loads. This results in splitting shipments and in some delays. Another client's shipments are primarily minimum weight shipments. It is his opinion that the proposed services of Jones, Bowman and Strickland will benefit the shippers he represents.

The consultant from Griffin, Ga., represents five companies located in Georgia which ship their products to Arkansas, Louisiana, Mississippi and Texas points. These shipments are routed through Atlanta to connect with carriers operating to points in those States. From the Georgia origins to Atlanta private carriage of local truck line services are used. These companies have

used the services of Gordons, Ryder, T.I.M.E., Dixie, Roadway, Transcon and recently that of Deaton from Atlanta. The witness is of the opinion that the proposed Strickland service

from Atlanta will afford faster and more dependable transportation. A transportation consultant located in Massachusetts is interested primarily in shipping a variety of commodities from Atlanta to points in Alabama, Mississippi and Louisiana. However he has no knowledge of the transportation services his companies are using nor of those available.

These witnesses urge that the companies they represent need faster and more consistent transportation services than they now have available.

Automotive Parts and Marine Supplies

Twenty-six of the witnesses who ship or receive parts and supplies for automotive and marine equipment testified in the aggregate on behalf of all of the applicants except Herrin and Baggett. Red Ball called 7 witnesses, Roadway called 5, Strickland, Bowman and Jones 4 each, and Deaton and Johnson 1 each. Some of the witnesses testified on behalf of more than one applicant.

The testimony of 10 of the witnesses whose shipments originate primarily at Atlanta relates to approximately 95,000 pounds of freight per month.[129] Such freight is destined to Hamburg, Ark., Jackson and Greenville, Miss., Baton Rouge, New Orleans, Monroe, Zachary and Haynesville, La., and Dallas, Fort Worth, Houston and Amarillo, Tex. The witnesses have used to varying degrees the services of Ryder, Dixie, ETMF, Gordons, Campbell Sixty-Six, Deaton, Transcon, Roadway, Jones, Red Ball, Braswell, Shippers' Express, GFA, West, Rose and perhaps others. Some use bus service for their rush shipments, especially for small shipments of automobile parts destined to such points as Hamburg, Ark., and Zachary and Haynesville, La. The primary complaint against present serv-

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[129] Witness Nos. 72, 90, 118, 188, 480, 569, 588, 656, 722 and 820.

ices voiced by these witnesses is slow transit time and some also complained of poor tracing and splitting of shipments so that a complete shipment is not received on a single delivery. Two of these witnesses made no mention of dissatisfaction with existing services. Most of them do not route their own freight although they could request specific routing or make changes in routing. Several were not familiar with the transportation services being used or available but testified in favor of the proposed schedules of the respective applicants supported.

- 90 -

Four other witnesses[130] testifying as to their need for service from Birmingham, Ala., and Hartwell, Ga., to Baton Rouge and New Orleans, from Montgomery, Ala., to Mansfield, La., and from Stone Mountain, Ga., to Jackson, Greenville and Greenwood, Miss., ship or receive a total of approximately 66,000 pounds of such freight monthly. The Hartwell shipper supporting Roadway for service to Baton Rouge and New Orleans uses that carrier extensively in other areas and would like its single-line service to these Louisiana points. Its joint-line service via Harper Ryder over the Atlanta gateway has been satisfactory but the joint-line service to New Orleans in which the interline at Atlanta is with either Johnson or Dixie is too long and inconsistent. No reason is given why the Harper-Ryder service is not used to New Orleans, or some of the other available joint-line services are not used. The witness testifying in favor of the proposed service from Birmingham to Baton Rouge is seeking additional transportation service and made no complaint against the existing service. The Mansfield witness is using a three-line service from Montgomery and supports Red Ball's application to reduce the service to two-line. He has not tried, nor is he aware of the two-line services now available. There are a number of joint-line services available

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[130] Witness Nos. 107, 200, 559, 817.

from Stone Mountain, Ga., to the three Mississippi points named. The witness supporting Strickland for this service was under the mistaken impression that Strickland proposed a single-line service from Stone Mountain.

Four witnesses testified in the aggregate in support of service between Dallas, Fort Worth and Houston, on the one hand, and, on the other, Jackson, Greenville, Miami, Atlanta, Birmingham and points beyond in the Southeast and Middle Atlantic areas.[141] Approximately 25,000 pounds of freight per month is involved in their testimony. These witnesses are using numerous carrier services including Mercury Freight, Roadway, ETMF, Gordons, Herrin, Braswell, Transcon, Southern Plaza, Consolidated and that of freight forwarders and air express, the latter especially for many shipments which are under 25 pounds. Their complaint against the existing service is that it is slow and inconsistent, and one witness complains of poor pickup service. Another witness knew that there were a number of single-line services available which he has not tried.

All were of the opinion that the proposed schedules of the carriers they support will provide them with an improved transportation service.

Three witnesses testified as to their need for Jones' proposed service from (1) Marshville, Mo., to Texarkana, Ark., and Atlanta, (2) from Oklahoma City to Texarkana, El Dorado and Magnolia, Ark., and Atlanta, and (3) from Siloam Springs, Ark., to Atlanta and Birmingham.[142] Approximately 265,000 pounds of less-than-truckload freight monthly is involved in their testimony. Siloam Springs is served by Campbell Sixty-Six, Jones, ABF, and Ruble Transfer, and the witness tries to

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[141] Witness Nos. 321, 374, 508 and 421.

[142] Witness Nos. 713, 734, 791.

use all of those carriers. He uses the single-line service of Campbell Sixty-Six to Birmingham and the joint-line service of Jones Transcon to Atlanta. The Oklahoma City witness uses the joint-line service of Jones Southwestern to the Arkansas destinations and REA is used for 90 percent of the traffic to Atlanta. The remainder is routed Jones Bowman joint-line or Transcon single line. From Marshfield to Atlanta the single-line service of Yellow, Watson-Wilson, Roadway and T.I.M.E. and the joint-line service of Jones and its connections have been used, and to Texarkana the witness uses the joint-line service of Campbell Sixty-Six ETMF. The witness complains of slow transit time and tracing difficulties. They view the proposed second day service of Jones as affording a faster and more satisfactory transportation service than is now available.

Five witnesses testified concerning their need for transportation service from points primarily in the mid-western and Middle Atlantic areas to the Gulf Coast.[1] One supporting service from Akron to New Orleans, Baton Rouge and Mobile ships approximately 8,000 pounds per month and uses the service of ABF to New Orleans and its connections back to Baton Rouge, and that of Roadway West to Mobile. He has no complaint against those services but prefers single-line service. Another shipping from Toronto, Canada to Pascagoula, Baton Rouge, Mobile and Pensacola complains of slow transit time and excessive handling. He is interested in reducing his three-line service to two-line and supports the Roadway application. That carrier's service is being used at present and Roadway offers a trailer interline service for this shipper. A witness from Jackson, Miss., who receives supplies from various New England and Middle Atlantic sources uses numerous carrier services. He complains of slow transit time, damage and poor tracing.

[1] Witness Nos. 447, 448, 592, 906, 925.

He has not tried the joint-line service of the applicant he is supporting nor that of some of the other carriers available. Another witness receiving approximately 25,000 pounds of freight monthly at Pascagoula from midwest and Middle Atlantic origins also uses the services of numerous carriers including Roadway, Johnson, Gordons, Cole, Wilkerson and West. He has not investigated concerning the available origin carrier services. He complains that his present service is slow and tracing is difficult, but states that his complaint does not relate to the service of Roadway. Johnson or Red Ball. He has not made any investigation as to the carrier services available at the various origins. The final witness receives primarily cordage items, but includes other articles used in the maritime, oilfield and hardware industries. He receives approximately 265,000 pounds of freight per month from Middle Atlantic origins at various Gulf Coast destinations. About 68 percent of this freight is received in truckload quantities. This witness has no problems with his truckload shipments but complains of excessive transit time and damage in connection with the less-than-truckload freight. He has used the services of Roadway, Strickland, Johnson, Cole, RC, Ryder and Malone, the latter primarily for truckload service. He has discontinued using Strickland, Johnson and Cole because of poor service some of which resulted in loss of business. He now favors Malone for both truckload and less-than-truckload shipments. He has found Roadway's service in other areas to be excellent and supports its proposed single-line service to the Gulf Coast points.

The testimony of these 26 witnesses reflects no lack of transportation service, but rather as to most of them a need or desire for faster transportation service, better tracing service, and to the extent possible, single-line service to reduce handling, damage and interline delays.

Candy

Nineteen of the witnesses were manufacturers, shippers, and receivers of candies and confectionaries. Bowman called 6 of these witnesses, Jones 4, Johnson, Red Ball, Baggett and Herrin called 2 witnesses each, and Strickland 1. Several of the witnesses support more than one applicant. The shipments move primarily in less-than-truckload quantities.

- 93 -

Three shippers at Atlanta support six of the applicants for service in shipping approximately 3,400,000 pounds of candy a year from Atlanta to points in Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Missouri, and Chicago, Ill.[134] They use in either single line or joint line the services of such carriers as Baggett, Ryder, T.I.M.E., Dixie, Alabama-Georgia, Bowman, ETMF, Gordons, Deaton, Alterman, and Refrigerated Transport, the latter two being specialized haulers of products requiring refrigeration. Pickup service by Ryder has at times been poor. They also complain of present transit time and believe a single-line service will speed up delivery. Two of the three ship chocolate candy which requires protection from temperatures of over 80 degrees Fahrenheit. Because of lack of adequate less-than-truckload refrigerator carrier services these shippers curtail to some extent their chocolate shipments during the summer months. Some shipments are handled by carriers using dry ice and insulated equipment as protective measures, but that is not entirely satisfactory as a protective service and also limits usage to shipments that will not be held over a weekend before delivery.

Two candy shippers from Fort Worth and Necogdoches, Tex., ship over 1 million pounds of candy to Atlanta, Birm-

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[134] Witness Nos. 71, 77, 127.

ingham, Greenville, Jackson, and other points in Mississippi, Georgia, Florida, North Carolina, and South Carolina.[135] They have used the existing services of Red Ball, Roadway, ETMF, Transcon, Jones, and Mercury Freight. The latter carrier made special arrangements with the Fort Worth shipper for once-a-week refrigerated service to handle its shipments. These shippers want single-line service and need protective services for the transportation of their product. They complain that adequate protective service is not provided resulting in damage, and that a consistent faster service would permit use of dry ice for certain destinations. One of the shippers supports Red Ball's proposal for a consistent service from Nacogdoches to Atlanta, Birmingham, and Greenville, and the other supports the proposed schedules of Johnson, Bowman, and Jones for refrigerated service to Atlanta, Birmingham, and points in Georgia and that of Strickland for its proposed service to Mississippi points.

- 94 -

A ltl shipper at New Orleans supporting the Bowman application and one at Thibodaux, La., supporting Herrin, shipped to Birmingham, Nashville, Chattanooga and other points in Tennessee, Alabama, Mississippi, Florida and Georgia.[136] Shipments are made daily or several times a week and a consistent service is needed to satisfy customers and minimize inventories. They use the services of Herrin, Saia, Ryder, Campbell Sixty-Six, Dixie and West. The shipper at New Orleans needs a protective service and desires single line over multiple line. It is believed that a better service would stimulate growth. There are existing services available, including refrigerated service, which these shippers have not used.

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[135] Witness Nos. 252, 792, 226.

[136] Witness Nos. 567, 635.

Russell Stover Candies, Inc., ships approximately 2.5 million pounds of candy yearly from its Loring, Kans., plant directly to Atlanta, 40,000 pounds to Birmingham, and 25,000 pounds to Greenville.[137] Atlanta serves as a warehouse and distribution point for accounts in Georgia, Alabama and Mississippi and about 1,500 pounds of candy is shipped weekly out of Atlanta to points in those States. About half of the tonnage to Atlanta moves in the shipper's own vehicles. The remainder generally is handled by private carriage or a local common carrier from Loring to Kansas City where it is interlined with Campbell Sixty-Six, Watson-Wilson or Jones. The latter also serves Loring direct. The witness supports the applications of Bowman, Jones, and Red Ball for service from Kansas City to Birmingham and Atlanta, and Red Ball only on the Greenville freight. The candy requires protection from temperatures above 80 degrees Fahrenheit. According to the witness, Watson-Wilson has provided both good and poor service and at times has experienced a shortage of refrigerated equipment. The second day service proposed by the applicants would be helpful to this shipper.

A shipper of candy at Oklahoma City ships yearly about 426,000 pounds to Atlanta and other points in Georgia, 362,000 pounds to Birmingham and other points in Alabama, and lesser amounts to points in Arkansas and points in Texas served by Jones.[138] It has used the services of T.I.M.E., Transcon and Jones as origin carriers. Except for service on chocolate items, present

carriers are satisfactory. Chocolates are part of most candy shipments, however, so a protective service is needed. Jones has provided such a protective service to Georgia and Alabama

[137] Witness Nos. 29, 725.

[138] Witness No. 854.

points in conjunction with Bowman, which service has been satisfactory, but the shipper wants a single-line service such as here proposed by Jones. In one instance, 9,000 pounds of chocolates being returned from Birmingham to Oklahoma City were lost because of lack of refrigeration.

A manufacturer at Augusta, Ga., shipped 1.5 million pounds of candy in 1965 from its Augusta plant and Atlanta warehouse to points in Louisiana, Mississippi, Arkansas, Texas, Oklahoma and Missouri.[139] It is supporting the applications of Jones, Johnson and Bowman. Its greatest need is to points in Louisiana and Mississippi, and New Orleans represents the largest single point in Louisiana. Johnson now has single-line service from Augusta and Atlanta to New Orleans which it has used and found satisfactory. For that service it uses REA, however, because of a close working relationship. Other motor carrier service is available which it has never tried, including the joint-line services of Bowman/Jones. It is satisfied with the service of Caudell Truck Lines from its plant to Atlanta where it interlines with Alterman. About 70 percent of the shipments are moved during a time when protective service is not needed. Alterman offers a protective service, but after it increased its rates the shipper has not used the service much.

A shipper of peanuts, candy, and bakery goods at Columbus, Ga., supports Herrin and Baggett and shipped by common carrier during the first quarter of 1966 a total of 44,251 pounds to Houston, Fort Worth, Dallas and Beaumont, Tex., and Monroe, La.[140] In the future it also expects to make shipments to Lafayette, Lake Charles, Houma, Baton Rouge, Alexandria, and Shreveport, La. Its own equipment is used on most shipments to Texas points, and for-hire transportation is used on overflow shipments. Roadway, Georgia Highway,

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[139] Witness No. 170.

[140] Witness Nos. 2, 671.

Dixie, Mercury Freight, Baggett and Ryder are some of the carriers it uses from Columbus for direct service and for interchange with such carriers as Red Ball, Herrin and ETMF. It uses Roadway on a daily basis but does not remember that they ever solicited its business. Slow and inconsistent service is the main complaint. Faster direct single-line service of the kind proposed by Baggett and Herrin is desired for its perishable products.

- 96 -

A shipper at Chattanooga ships to points in Arkansas, Louisiana, Mississippi and Texas.[141] It has about 150 shipments per month weighing from 100 to 4,000 pounds. It uses as origin carriers Robinson, ET&WNC, Ryder, Central Motor, T.I.M.E., Alterman and Bowman. For the most part these services are satisfactory except where refrigeration is necessary. Alterman offers protective service, but its once-a-week pickup is not satisfactory. Protective service is needed on some of its candy from April through August. The Texas points normally are served from the Dallas warehouse which is supplied by the shipper's private carrier vehicles.

A manufacturer of candy and food items at Mount Holly Springs, Pa., ships 5,000 pounds monthly to points in Louisiana, Mississippi and Texas, mostly to Dallas and Houston.[142] It receives inbound about 8,600 pounds monthly from Dallas and Farmersville, Tex. Central, Roadway and Ward are used inbound. Outbound to Texas points Ward Roadway is used. Mason & Dixon has been used to Mississippi. It has not used Johnson's available service to New Orleans with interline to other points and is not familiar with the Ryder/Harris service. It complains of slow transit time because most of its merchan-

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[141] Witness No. 209.

[142] Witness No. 871.

dise must arrive for holiday deadlines. It prefers direct single-line service.

A receiver of candy, drugs, sundries, paper products, and fountain and school supplies at Shreveport, supporting the Bowman and Johnson applications, receives about 150,000 pounds of this merchandise yearly from Atlanta, Augusta, Ga., Chattanooga, Montgomery and Birmingham.[143] It is using Red Ball, Texas and Pacific, Universal Carloading, Herrin and ETMF. The suppliers select the carriers, and the witness did not know what services are available. Its support is based upon applicants promises of fast service.

Two shippers of fruit cake supported the Bowman application, one for service from Greenville, Tex., to Bowman's present points in the southeastern States and along the Eastern Seaboard, and the other from Claxton, Ga., to the proposed Bowman points in Arkansas, Louisiana, Mississippi, Texas and Missouri.[144] Their heavy shipping period is from September to December 15. The shipper at Claxton produced approximately 6.5 million pounds of fruit cake in 1966, of which about 135,000 pounds were destined to the Bowman proposed points in

the States named. The shipments ranged in weight from 64 to 45,126 pounds. It now uses Bowman as its primary pickup carrier with open routing beyond Bowman's lines. Other carriers serve Claxton, but Bowman is the only one which will spot trailers at its plant. The Greenville shipper made about 110,000 pounds of fruit cake in 1966, of which about 10,000 pounds was destined to Bowman points. Its shipments are in small quantities, and it uses Red Ball as its primary pickup

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143 Witness No. 905.

144 Witness Nos. 841, 924.

carrier with open routing beyond. It also uses REA and parcel post to some extent. Greenville is served by Central and Southwestern Transportation Companies in addition to Red Ball. Both shippers complain of slow transit time and are of the opinion that single-line service as proposed by Bowman will expedite their shipments and reduce materially the number of shipments requiring three-line hauls. In this connection, however, it is to be observed that none of the shipments during the 1966 season for the Claxton shipper required a three-line haul although in three instances that service was employed. Neither shipper had investigated the existing available services with a view to routing the freight to destination.

What these shippers really want is a faster single-line refrigerated service for less-than-truckload freight. For the most part, there is plenty of transportation service available, but it lacks refrigeration. Candy and cake usually move in small ltl quantities to a large number of points in a wide area. Refrigeration is only needed for a part of the year. The handling of ltl quantities of freight requiring refrigeration, and especially where a joint-line service may be necessary, presents a number of difficulties for the carriers involved. The use of dry ice also imposes limitations, particularly where weekend delays may be encountered. Many of these shippers do not know what service is actually available, and they have made little investigation to find out. Even if the authority sought were granted, it would provide very little additional service of the type desired. Existing carrier services have been cooperative with shippers in attempting to make practical arrangements to meet their special needs for protective services during certain portions of the year.

Carpet-Floor Covering Witnesses

Thirty-four of the witnesses testified with respect to their needs and experiences in obtaining transportation of carpeting and floor covering within the area of these applications. These

34 witnesses voiced support of all of the applicants, in varying degrees, except Floyd & Beasley. More specifically, Bowman called 8 witnesses and Jones 9, and each was supported by a total of 14 witnesses. Johnson called 4 witnesses and received

support from a total of 10. Herrin also called 4 witnesses, Baggett 3, Deaton and Roadway 2 each, and Red Ball and Strickland 1 each, and these latter applicants were supported only by their respective witnesses.

For the most part the testimony of these witnesses relates to transportation from the carpet manufacturing area of northwest Georgia extending generally from the Chattanooga, Tenn., area on the north to La Grange and Columbus, Ga., on the south and Atlanta on the east, and including such manufacturing points as Dalton, Rome, Cartersville, White, Ringgold, Lyerly, La Grange, Calhoun, Atlanta, and others. It is estimated that the carpeting referred to by these witnesses amounts to somewhere between 1.5 and 2 million pounds per month moving from the northwest Georgia area to points in Texas, Louisiana, Mississippi, Alabama, Arkansas and Oklahoma. The major portion (over 1 million pounds per month) is destined to Texas points, about 30,000 pounds to Tulsa, 30,000 pounds to Little Rock, El Dorado and Springdale, Ark, 25,000 pounds to Baton Rouge, and lesser amounts to various other Arkansas, Louisiana and Mississippi points.

In addition there were witnesses who ship or receive carpeting or floor covering from Trenton, N. J., to Louisiana and Alabama points (100,000 pounds per month), from Philadephia, Carlyle and Marcus Hook, Pa., to Texas, Louisiana and Mississippi points (estimated 50,000 pounds per month), from Greenville, Miss., to the Dallas-Fort Worth area (100,000 pounds per month), and from Houston to Birmingham (60,000 pounds per month).

The eight Bowman witnesses include two manufacturers located at Dalton and La Grange, Ga., and six receivers located at Dallas, Fort Worth and Houston.[145] The latter received shipments from the northwest Georgia carpet manufacturing area as well as from Selma Ala., Nashville, Tenn., and certain points in South Carolina, Pennsylvania and New Jersey. Within the territory covered by these extension applications the manufacturers ship primarily to the three Texas cities named, and in lesser amounts to points in Mississippi, Louisiana, Texas, Arkansas and Missouri.

From some of the origins Roadway and Ryder provide single-line service. However, even where such service is available the witnesses were using joint-line service principally. These include as origin carriers Georgia Highway Express, B-C Truck Line, Baggett, Bowman, RC

Truck Lines and Murdock Freight Lines. The primary complaint concerning the existing transportation services being used is that the transit time is too slow. Exhibits were introduced in evidence depicting transit time in connection with certain shipments which support the conclusion that in some instances there are unreasonable delays, and in other instances service is reasonable. The schedules proposed by applicants are considered by these witnesses to be highly desirable as a means of insuring the buyers of carpet that the merchandise will be delivered promptly and will also enable proper scheduling of the installation work. Failure of the existing carrier services to provide prompt transportation creates problems and expenses such as the maintenance of larger inventories, requiring the purchase of supplies from dealers rather than directly from the mills, loss of sales due to delayed deliveries, inability to schedule in-

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[145] Witness Nos. 89, 131, 297, 363, 429, 436, 477, 493.

stallations properly, inability to utilize cash discount periods, and other competitive disadvantages. Single-line service is desired in many instances to eliminate interline delays, simplify tracing, and to minimize damage resulting from excessive handling.

Four of the Bowman witnesses also support the Jones and five the Johnson applications. Yet at the time these hearings began none had tried the joint-line services of Bowman Jones over the Memphis gateway; and there is no evidence that any had used the service of Johnson either as an originating or connecting line carrier. While the hearings were in progress one of the witnesses began to use the Bowman Jones service and found it very satisfactory, including second day delivery of truckload shipments in those instances where a trailer interline service was employed.

Although the Bowman witnesses express some degree of dissatisfaction with the transportation services they are using, yet in most instances they have made no effort to find what other services are available to them nor tried to improve their transit time by using various combinations of joint-line services available.

At Dalton, Ga., a major manufacturing point, Roadway maintains a terminal and offers pickup service anytime of the day or night to one of the shippers supporting Bowman. This particular shipper is Roadway's largest Dalton account. It also operates its own fleet of 14 tractors and 18 trailers as a private carrier. Its primary originating common carrier is Georgia Highway Express. Although complaining of slow transit time, evidence was presented by protestant Mercury Freight that in the first seven months of 1966 Georgia Highway Express interlined at Birmingham with Mercury Freight 34 shipments from this particular shipper destined to Dallas and Houston. Of these shipments 70.6 percent were

delivered by Mercury Freight the third day and 29.4 the fourth day. In the same period Bowman originated six shipments from the shipper for these two Texas points which were interlined with Mercury Freight, the deliveries being 1 the third day, 2 the fourth day and 1 each on the fifth, sixth and seventh days. The Bowman portion of the service (from Dalton to Birmingham) was 3 shipments the second day, 2 the third day, and 1 the fourth day.

One witness supporting the Deaton application had previously used the single-line service of Ryder from Birmingham to Baton Rouge but changed to the single-line service of Campbell Sixty-Six at the direction of the consignee. The other receives truckload shipments of floor covering in Birmingham from Houston.[146] The latter made no complaints against the services of ETMF, Mercury Freight or Ryder, which it uses, but believes that additional competition is beneficial. The two witnesses supporting the Roadway application both have an abundance of transportation services available.[147] While these four witnesses want faster transit time, their support of the respective applicants is based essentially upon the fact that they have been using the services of, in one instance Deaton and the other Roadway, in other areas and would like to extend the use of such services to the territory involved in their applications.

The Red Ball witness supporting service from Greenville, Miss., to Dallas[148] complained that the single-line service of Jones on its truckload shipments from Greenville, Miss., to Dallas is not a consistent overnight service as it is supposed to be, and that Gordons' service is circuitous (by way of Memphis). A witness supporting the Strickland application for service from Atlanta, Rome, Dalton, and Plainville, Ga., to El

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[146] Witness Nos. 152, 580.

[147] Witness Nos. 476, 882.

[148] Witness No. 231.

Dorado, Ark., complained that transit time it receives on its shipments is too slow.[149] There is no indication that the witness has made any effort to improve its service by trying many of the several joint-line routings available to him.

Of the four witnesses called by Johnson Motor Line,[150] three also support Bowman and one Jones. Their dissatisfaction with the services being used is based upon delays of shipments in transit, either at interline

points or at the origin carrier's terminal. All have available the transportation services of a number of carriers, some of which they were unaware. Their shipments originate at Atlanta and White, Ga., and Philadelphia and Marcus Hook, Pa., destined to Texas, Mississippi and Louisiana points.

The three witnesses supporting Baggett for service from northwest Georgia origins to Texas points have used Roadway's single-line service from some of the origins and the joint-line services of Georgia Highway Express, B-C, RCA, Baggett, Bowman, Murdock and ET&WNC and their various connections.[151] One witness (a manufacturer) also operates 30 tractor-trailer units as a private carrier. The major connecting line services involve RCA or Georgia Highway Express as origin carriers connecting with Gordons or ETMF at Atlanta; Baggett or B-C connecting with Mercury Freight or ETMF at Birmingham; and to lesser extent connections through Chattanooga. Two have received pretty good service by Roadway but want additional single-line service. They have not tried the service of Baggett and its connections over the New Orleans gateway nor a Ryder single-line service to certain Texas points. Other

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[149] Witness No. 114.

[150] Witness Nos. 135, 422, 427, 896.

[151] Witness Nos. 239, 281, 036.

complaints primarily are of slow transit time and delay of shipments at interline points. This has resulted in loss of sales. Two of the witnesses believe that they can reduce inventory costs with a fast single-line service. Baggett has a new terminal near the plant of one manufacturing witness and its services are used extensively throughout Alabama and to New Orleans. The manufacturer would like its services available to the proposed extended territory.

Three of Herrin's four witnesses[152] support its proposed joint-line service through the Atlanta gateway to points on its present routes. None have tried Herrin's available joint-line service over Macon, Memphis, or New Orleans. During the pendency of this proceeding Herrin purchased a route between Atlanta and Macon which permits the joint-line services proposed by these witnesses, although that route is somewhat longer to the Mississippi, Louisiana and Texas points involved than the proposed route through Birmingham. These witnesses have used the services of Johnson, Bowman, Roadway, Ryder and others as origin carriers or in single-line service and complain that the transit time experienced

through these services is too slow. The fourth witness shipping from Columbus, Ga., uses the single-line services of Roadway and Ryder as well as the joint-line services of Georgia Highway Express and others serving Columbus. Its complaint is that there have been occasions when Roadway experienced an equipment shortage, and Johnson has refused to handle a C.O.D. shipment. Primarily the witness wants another single-line service from Columbus to the Southwest.

Four of the nine Jones witnesses[153] support the proposed Jones service from Atlanta to Tulsa in connection with ship-

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[152] Witness Nos. 143, 442, 519, 642.

[153] Witness Nos. 355, 360, 403, 48 , 746, 756, 770; 772, 783.

ments originating at Dalton and Calhoun, Ga. They now use T.I.M.E. or Transcon for the Atlanta to Tulsa portion of the transportation and complain that the transit time is too slow. One witness also complains of an unpaid damage claim in connection with one shipment. The witness for protestant Transcon testified that the Atlanta to Tulsa service of its company is a direct dispatch, and that examination of its records for a 2-week test period in May 1966 disclosed only one shipment for these parties and that it had been received in Atlanta May 17 and was delivered in Tulsa May 19. Two of the witnesses had just learned of the Bowman Jones joint-line service and all are willing to try it to obtain better transportation. One witness now using the Bowman Jones joint-line service over the Memphis gateway expressed the opinion that better service would result if Jones could receive the shipment at the Atlanta gateway. The witness supporting the Jones' service to Springdale, Ark., has used the Bowman Jones joint-line service and found it very good, while the two witnesses supporting the service to Dallas and Texarkana have never tried the Bowman/Jones joint-line service although they support the applications of both carriers. The two Jones witnesses testifying in connection with services from Birmingham, Atlanta and northwest Georgia mill points to Little Rock also support Bowman. While they have a number of joint-line services now available (including Bowman Jones which they have used very little), they prefer single-line service and believe that the proposed second day delivery from Atlanta to Little Rock will be very helpful.

From the foregoing it will be observed that there is not a lack of transportation service available to these witnesses—in fact many have not tried the various services available. A few of these witnesses anticipate a growth in their business in the area involved in these applications, but their support of the applications is not based upon the growth factor. The basic theme of the witness support is that the schedules proposed by the particular applicants they support will give them a service

superior to that now being used . . . in other words better transit time.

- 103 -

Commodities Requiring Refrigeration

Ten of the witnesses ship or receive fresh or frozen meats, foodstuffs, dyes, and nursery stock which requires refrigeration. Jones put on 8 witnesses and was supported by 1 other. Bowman called 1 and was supported by 3 others. Johnson called 1 and was supported by 1 other. Red Ball and Herrin were supported by 1 witness.

Three shippers[154] of fresh and frozen meat and food products at Kansas City, Kans., ship in truckload quantities to Atlanta. About 15 truckloads a month are involved. They now use Bilyeu Refrigerated Transport Hirchbach and Jones/Bowman. They have a need for a less-than-truckload refrigerated service and could build up additional business to Atlanta and Birmingham if such service were available. There has been a shortage of refrigerated equipment and very few carriers are willing to accept commodities requiring refrigeration in less-than-truckload quantities.

A witness at Wichita, Kans.,[155] ships about 100,000 pounds a week of beef, mostly hanging meat, and beef byproducts, to Atlanta each week. It uses Bilyeu Refrigerated Transport and Jones as well as equipment of its own when necessary. It is generally satisfied with the present service but would prefer the single-line service offered by Jones.

A witness at Sodyeco, N. C.[156] (near Charlotte), ships about 300,000 pounds a year of dyestuffs in drums to McKinney,

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[154] Witness Nos. 700, 702, 837.

[155] Witness No. 712.

[156] Witness No. 211.

Waco and New Braunfels, Tex. It desires a protective service against freezing from October to May. It now has interline service giving protective service. It has used Roadway without complaint and has available ET&WNC. No need for additional service is shown.

A shipper[157] of foods for human consumption and animal and poultry feeds shipped about 4,000,000 pounds during the first six months of 1966 from Decatur, Ga., to Baton Rouge, Memphis and Mississippi points; from Lakeland, Fla., to Houston and Garland, Tex., and Springfield, Mo.; from Garland, Tex., to Birmingham, and Georgia and Florida points, and from Springfield, Mo., to points in Georgia, North Carolina, Florida, Tennessee and Alabama. It uses rail, various common and contract

motor carriers as well as its own privately owned mechanically refrigerated vehicles. Akers was used exclusively in 1967, and other carriers are available. It has experienced some shortage of equipment when required on short notice.

Two shippers,[158] one at Stilwell and the other at Tahlequah, Okla., ship commodities requiring protection from heat and cold. Nursery stock is shipped from Tahlequah to points in the Southeast. In 1966 about 300,000 pounds moved to Atlanta and about 100,000 pounds to Birmingham. Jones is the origin carrier with such carriers as Ryder, Overnite, Thurston, Gordons and ET&WNC used beyond. About 10,000 pounds of less-than-truckload traffic each year is received from points in Alabama and the Carolinas. About a third of its traffic is handled as an exempt commodity. It desires single-line service. Canned and frozen foods are shipped from Stilwell and Van Buren and Fort

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[157] Witness No. 213.

[158] Witness Nos. 815 and 845.

Smith, Ark., to points in the South, including Atlanta and Birmingham. It uses Jones, Willis Shaw, pool truck, rail and private carriage. A fast refrigerated service would enable shipper to shift its trucks to other areas. It desires a single-line common carrier refrigerated service.

A witness at Dallas[159] ships frozen bakery goods from Dallas to Birmingham, Atlanta and points in Florida and the Carolinas. Two truckloads per week move to Atlanta with a dropoff at Birmingham. One truckload a week goes to the Carolinas and Georgia points and one truckload every 10 to 14 days to Florida points. He uses Refrigerated Transport and also operated four leased units. There is a shortage of equipment and it needs more common carrier service.

A witness at Springfield, Mo.[160] has shipped frozen boxed and hanging meat from Springfield by Campbell Sixty-Six to Birmingham and T.I.M.E. to Atlanta. He has had difficulty in obtaining refrigerated equipment, especially for the hauling of hanging meat, and has therefore lost out on certain government contracts in Alabama and Georgia.

There appears to be some need for additional service by common carriers who are willing to provide adequate and proper mechanically refrigerated equipment, especially for the hauling of shipments in less-than-truckload quantities. Such a showing, however, is insufficient to warrant a grant of general commodities authority.

- 105 -

Department Store Items

Thirty-one witnesses who ship or receive a wide assortment of items sold by department stores testified in support of all of

[159] Witness No. 358.

[160] Witness No. 714.

the applicants except Floyd & Beasley, Deaton and Baggett. Strickland called 7 witnesses, Jones and Bowman 6 each, Red Ball 4, Roadway and Johnson 3 each and Herrin 2. Some witnesses supported more than one applicant.

Nine witnesses with places of business in Texas[161] ship or receive merchandise to or from points in Arkansas, Louisiana, Texas, Alabama, North Carolina, South Carolina, Georgia, Mississippi, Florida, Tennessee and Virginia. A very large number of shipments are involved weighing on an average of 100 to 600 pounds each. Sears Roebuck & Company is the largest shipper, with 2,000 suppliers. A fast service is needed to meet sale commitments and maintain proper inventories. A reliable service is required so that merchants will know when to expect their merchandise after it has been ordered. Tracing has been difficult when shipments are interlined and in some instances claim service has been poor. Numerous carriers are available and the services of many of the applicants and protestants have been used, some in single-line and some in joint-line service. Some of the service is acknowledged to be satisfactory, but the witnesses support more single-line services and the proposed delivery schedules. In many instances a single or two-line service is available whereas a two-line or three-line service is actually being used. This is brought about by a preference for certain carriers, or by failing to investigate the service available, and in many instances the witnesses did not select the origin carrier or specify the routing. The traffic studies show some good service as well as bad.

A shipper at Dayton, Ohio[162] with a large warehouse in Dallas, ships about 500,000 pounds of general merchandise every four weeks, in truckload and less-than-truckload quanti-

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[161] Witness Nos. 240, 262, 348, 365, 388, 404, 430, 452 and 790.

[162] Witness No. 251.

ties, from various points in Georgia, North Carolina, South Carolina, Tennessee, Alabama, Virginia and Mississippi to Dallas. It requires fast transit time in order to reduce stock inventory. Carriers are required to schedule deliveries and occasionally to hold deliveries for a few days. Sometimes two-line service is used in preference to single-line

in order to reduce the number of carriers at the unloading docks. This procedure will be continued even if the instant applications are granted. It presently is using services of both applicant and protestant carriers.

Three witnesses,[163] with home offices in New York City, ship department store items from points along the Eastern Seaboard to points in Alabama, Arkansas, Kansas, Mississippi, Missouri, Texas, Louisiana and Florida. Shipments for the most part are small, but there are many of them and an expedited service is desired to prevent stocks from running out. A consolidation service is often used to obtain a rate advantage. The existing services of Ryder, Roadway, Herrin, ET&WNC, Gordons, Campbell Sixty-Six, Jack Cole and Johnson have not always been consistent. In some instances the proposed service would merely be a substitution of gateways over those presently used. The home office in New York City is not always solicited by carriers and at times their routing instructions are not followed. There is much service available that has never been used.

Two witnesses from Chicago[164] ship general merchandise in less-than-truckload quantities and are interested in fast single-line service. One receives over a million pounds a year in

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[163] Witness Nos. 342, 644 and 887.

[164] Witness Nos. 492 and 535.

Chicago from Gulf area points such as Mobile, New Orleans, Baton Rouge, Pass Christian, Biloxi, and Brewton, Ala. Outbound shipments from Chicago are small and move to most points in the United States. His receiving facilities in Chicago are very limited and an effort has been made to reduce the number of carriers used. He supports Roadway's application because of that carrier's broad territorial authority and good service to other areas. He also has used the services of Gordons, Ryder, West, Jack Cole, Campbell Sixty-Six and Viking. The second witness moves about 75,000 pounds a month from points in North Carolina, South Carolina, Georgia, Tennessee, Alabama and Mississippi to the Southwest, but primarily Houston. In many instances the transit time has been poor, but the receiving facilities are very poor and at times carriers resort to accumulating shipments to minimize deliveries at those facilities. ETMF, Herrin, Roadway and Ryder participate in this traffic. The unloading delays should be eliminated when the new warehouse is opened soon.

A shipper,[165] with headquarters at Newark, N. J., who controls the routing, ships about 50,000 pounds a year of ironing board pads and cover sets, and other textile goods, from Huntersville, Cornelius, and Charlotte, N. C., to points in Texas. The traffic is now handled primarily by Frederickson Express to Charlotte and from there by Republic Carloading. A few shipments have gone by Johnson as the origin carrier. Bowman has authority to serve Huntersville and Cornelius but has not been used. Roadway has authority to perform single-line service but does not have equipment available for shipments from Huntersville. Numerous joint-line services are available but the shipper wishes to avoid the Memphis, Atlanta and Birmingham gateways. ETMF and Red Ball give satisfactory joint-line services but a fast single-line service is preferred.

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[165] Witness No. 863.

Five witnesses,[166] who receive merchandise at Shreveport, Monroe, Baton Rouge, and New Orleans, La., support certain applicants for service from points in New England and Eastern States as well as Atlanta, Birmingham, and Milledgeville, Ga. Most shipments are in small less-than-truckload quantities except from Milledgeville to New Orleans, which is in truckloads and is handled in joint-line service by Brown and Dixie. The Monroe witness receives about 16,000,000 pounds of traffic each year at his warehouse and from there it is moved outbound to 166 stores in Alabama, Arkansas, Louisiana, Mississippi and Texas. These witnesses consider their transit time unsatisfactory. Many carriers are used in single-line or joint-line service, some of which are Strickland, Thurston, Roadway, Johnson, Red Ball, ET&WNC, Ryder, Overnite, Mason & Dixon, McLean, Bowman, Baggett, T.I.M.E. and others. The shipper at New Orleans receives poor pickup service on traffic to Mobile and Pensacola. Consistency of service is important as special sales require that goods arrive as scheduled. Stores have small inventories and, therefore, must receive shipments on time. A good deal of single-line service is available which witnesses are unaware of and many problems exist because the suppliers disregard routing instructions or routing is left open. The service now provided by numerous carriers appears to be adequate. More and faster service is desired but it is questionable how much of it would be used even if available.

- 108 -

A witness[167] at Flint, Mich., who receives annually 200,000 pounds from Evergreen, Ala., and 20,000 pounds from New Orleans now uses GHE/Roadway from Evergreen and Strickland/Ellis from New Orleans. He complains of interline de-

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[166] Witness Nos. 70, 256, 573, 615 and 623.
[167] Witness No. 900.

lays and damage. He also knows that there are other two-line services available but prefers single-line service as proposed by Roadway.

Six Arkansas witnesses[168] testified with respect to a need for service from points in Texas, Missouri, Alabama, Georgia, Illinois, Oklahoma, North Carolina, South Carolina, New Jersey, Tennessee and New York City to El Dorado, Little Rock, Bentonville, Springdale, Siloam Springs, Rogers, Fayetteville, Danville, Booneville, Waldron, and Harrison, Ark., and Memphis, Tenn. They have a large number of small less-than-truckload shipments coming from many different points. They all want a fast single-line service if possible but are presently using the joint-line service of such carriers as Red Ball, Atlas, Herrin, ETMF, T.I.M.E., Ryder, Baggett, Gordons, Roadway, ABF, Bowman, Campbell Sixty-Six, Transcon, Jones, GHE, Carolina Freight and others. These witnesses have stores that maintain small inventories and many of them are in small towns so they must order often and receive fast delivery or they will run out of merchandise. Some of the services used are very satisfactory, and others are considered too slow. The witnesses had made very little effort to improve their service through investigation and experimental routing of existing services.

Two witnesses[169] testified concerning a need for service from Atlanta and Birmingham and points beyond to points in Oklahoma, Texas, and Arkansas. The Gibson Products Company at Oklahoma City receives annually about 300,000 pounds in less-than-truckload quantities and 175,000 pounds in truckload quantities from points in Georgia, Alabama, North Carolina, South Carolina and Virginia. It uses Roadway and REA in single-line service and the joint-line services of T.I.M.E., Transcon, Jones, and Western Gillette as delivering carriers, with

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[168] Witness Nos. 324, 415, 778, 779, 809, and 810.

[169] Witness Nos. 768 and 828.

Pilot, GHE, Atlanta Motors, Ryder, Helms, Thurston, Gordons, Overnite, and ET&WNC as origin or intermediate carriers. It does not like Ryder because of its failure to pay a claim. The other witness at Oklahoma City has stores in Texas, Oklahoma and Arkansas. The Oklahoma points are served by Jones. From Atlanta to Oklahoma City, it moves from 500 to 1,500 pounds per week. From

Birmingham to Oklahoma it receives from 4,000 to 5,000 pounds per year. From Georgia points, other than Atlanta, it receives 50,000 pounds a year. From Alabama points, other than Birmingham, 12,000 pounds per year are received. From the Carolinas, over 100,000 pounds are received, all of this traffic moves to the warehouse in Oklahoma City except that shipments over 100 pounds generally move direct to the stores and each store receives several shipments each week from the suppliers. Virtually all of the carriers in the area are used. It complains of delays and unpaid claims. Most of the shipments are routed by the suppliers.

A shipper[170] with a distribution center at York, Pa., supplies 72 percent of the merchandise needed at its 30 stores in Texas, 9 in Mississippi and 5 in Louisiana. Twenty-eight percent of the merchandise is shipped directly from the vendors located in eastern and seaboard States. It operates a large fleet of its own trucks and also uses rail piggyback. Motor common carriers are used for overflow traffic. Vendors usually select the motor carrier used. In some instances joint-line service was used even though single-line service was available. It complained about inconsistency in transit time.

The usual complaints of these 31 shippers are poor pickup, slow transit time, inconsistent service, damage to merchandise,

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[170] Witness No. 917.

and unpaid claims. There is an abundance of transportation available, much of which has never been used. In many instances, a better service is actually available than that which is used. Some witnesses have made little effort to solve their problems and do not actually route the traffic although they have the right to do so. There does not appear to be any need for a grant of additional service for these shippers.

- 110 -

Building Materials

Fifty-three witnesses supporting eight of the applications testified as to their need for the proposed services in connection with the transportation of various building materials.

(Aluminum Products)

Seventeen of these witnesses ship or receive aluminum products used in the building industry. Jones called 7, Roadway and Bowman 4 each, and Red Ball and Herrin 1 each; Johnson was supported by 2, Jones by 2 and Bowman and Baggett by 1.

Five of these witnesses[171] ship or receive aluminum doors, windows, frames, extrusions, and related items in both truckload and less-than truckload quantities. Shipments originating at Atlanta or Birmingham, or points beyond, and destined to Jackson, Miss., generally are delivered by such carriers as Deaton, West, Campbell Sixty-Six, Dixie, Gordons and Viking. The witness does not route these shipments and there are many different origin carriers used. From Atlanta and Birmingham to Fort Smith, Gordons and Campbell Sixty-Six are generally used, and at times a joint-line service with Mercury Motors as delivering carrier out of Memphis is employed. For shipments from At-

[171] Witness Nos. 591, 735, 785, 827 and 848.

lanta, Newnan, and Moultrie, Ga., to Tulsa, Oklahoma City, and Fayetteville, either T.I.M.E. or Transcon are used out of Atlanta, with a local service from Newnan and Moultrie. Campbell Sixty-Six also has a single-line service available to Tulsa which is sometimes used. These witnesses complain of slow transit time which may delay construction work. A good deal of two-line service is available, but shippers prefer single-line service to avoid delays and the transfer of lading which tends to increase damage.

A shipper at Jonesboro, Ga., and a receiver at Baton Rouge[172] use the services of Ryder for the transportation of architectural aluminum extrusions from Jonesboro to Baton Rouge. The receiver at Baton Rouge has had difficulty in tracing shipments handled by Ryder. The services of Gordons and Deaton are available

but have not been used because neither customer nor sales department requested it. The company prefers its traffic not be transloaded enroute and desires that shipments move to destination on same vehicle as loaded at its plant.

Two shippers at Birmingham[173] ship to points in Missouri, Kansas, Arkansas, Mississippi, Louisiana, Illinois, Texas, and Oklahoma. The transportation services of ETMF, Campbell Sixty-Six and Gordons are used to Arkansas; to Missouri they use Gordons and Campbell Sixty-Six; to Louisiana they use ETMF and Ryder; to Mississippi Campbell Sixty-Six and West are used; ETMF, Mercury Freight and Gordons are used to Texas; Gordons, Campbell Sixty-Six, and Terminal Transport are used to Illinois; and Transcon is used to Oklahoma. These

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[172] Witness Nos. 43 and 44.

[173] Witness Nos. 81 and 83.

shippers complain of poor pickup service and occasional split delivery. Other motor carrier service is also available.

Shippers at Rome, N. Y.,[174] and Baltimore, with a new plant at Scottsboro, Ala., ship from Rome and Baltimore to New Orleans, Baton Rouge, Chalmette, and Metairie, La., and Mobile, Ala. Over a million pounds are shipped annually in both truckload and less-than-truckload quantities. It uses Roadway, Johnson, and Akers as origin carriers in single-line service where possible, and in connection with other carriers for joint-line service where necessary. The new plant at Scottsboro will serve points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, and Texas. At the time of the hearing, 400,000 pounds a month were being shipped to this area from plants at Baltimore and Chicago. This volume will increase with opening of the new plant. Bee Line, A-OK, Bowman, Ryder, Hall, and Parrish Dray Line presently serve Scottsboro and shipper is supporting 14 other applicants to serve the new plant. A large amount of traffic is to be moved, and single-line service is desired to meet competition.

Three witnesses at Dallas[175] ship aluminum articles from Dallas to Atlanta, Birmingham, Montgomery, Greensboro, N. C., Greenville, S. C., and Jackson, Miss. One shipper has an outbound movement of 2,000 pounds per month to Atlanta and also receives inbound 2,000 pounds a month from Atlanta. ETMF is used on this traffic. Transcon, Mercury Freight, Roadway, Gordons, Red Ball, and Braswell

are used to other points and the services of additional carriers are also available. Poor pickup and slow transit time is the common complaint.

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[174] Witness Nos. 263, 908.

[175] Witness Nos. 291, 312 and 474.

A witness at Baton Rouge[176] supporting the Roadway application receives shipments from Akron, Canton, Niles, and Youngstown, Ohio, western Pennsylvania, Chicago, and St. Louis. Shipments from the Roadway area average 12 to 15 per month, ranging in weight from 300 to 14,000 pounds each. Gordon's single-line service from Chicago and St. Louis is excellent, and it wants single-line service from the other origin points. It has used the services of Campbell Sixty-Six, Herrin, Ryder, and Red Ball as delivering carriers, but service is not satisfactory when interchange of lading is involved.

Two witnesses[177] at Oklahoma City and Muskogee, Okla., ship about 10,000 pounds per month from Oklahoma City to points in Alabama and Georgia. The services of Transcon, T.I.M.E. and Jones are used. T.I.M.E. has authority to serve many of these points direct, but actually interlines many of the shipments. About two shipments a month, weighing 800 pounds each, move from Birmingham to Muskogee. One witness who formerly used the joint-line service of Gordons and Jones over the Memphis gateway now uses that of ETMF and Jones over the Dallas gateway. Single-line service is desired.

(Wallboard)

Eight of these witnesses ship or receive wallboard and related items. Red Ball called 3 witnesses, Herrin and Bowman 2 each, and Roadway 1. Two of these witnesses also support Johnson, 1 supports Strickland and 1 supports Red Ball.

Two witnesses at Atlanta[178] ship over 15,000 pounds a day of wallboard and adhesives to points in Louisiana, Mississippi

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[176] Witness No. 613.

[177] Witness Nos. 753 and 762.

[178] Witness Nos. 46 and 47.

and Texas using such carriers as Johnson, Overnite, Ryder, and Dixie. Dallas, Forth Worth and Houston receive a total of six shipments a month. ETMF and Herrin are also used on some of this traffic. Direct service to all points is desired in order to speed up transit time and avoid transfer of lading.

- 113 -

A witness at Grand Prairie, Tex.,[179] ships three or four times a month to Atlanta and receives approximately two shipments a month from a warehouse in Atlanta. ETMF has performed this service but has been slow on some shipments. Traffic to Birmingham moves by Mercury Freight, and Red Ball has been the origin carrier on shipments to Greenville, Miss. Time in transit is important because contractors are usually in a hurry for the material. Other services, both single-line and joint-line are available.

A witness at Alexandria, La.,[180] ships about 250,000 pounds a month of wallboard, metal moulding, chalkboards, bulletin boards, chairmats, clipboards, and adhesive to Atlanta and Birmingham and points beyond in the Southeast. Red Ball's interline service has been good, but shipper would like it to have authority to provide single-line service. It is not aware of some existing services and is using two and three-line service to some points where single-line is available.

A shipper at Nashua, N. H.,[181] ships asbestos wallboard, asbestos lumber, and insulating material to Baton Rouge, New Orleans, Marrero, Westwego, Harvey, and Chalmette, La., Mobile, Pensacola, and Biloxi and Pascagoula, Miss. It normally

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[179] Witness No. 437.

[180] Witness No. 610.

[181] Witness No. 41.

makes from 10 to 15 shipments weekly, weighing from 500 to 20,000 pounds each. The traffic moves from Nashua to Boston by a feeder-line for interline beyond. It has used Strickland, Carolina, and Johnson. Strickland will not give the connecting carrier from Nashua to Boston a trailer and Johnson does not always have one available. It now has single-line service from Boston to all points except Baton Rouge. There is also some service available which it has not tried. It is interested in faster service.

With respect to the two witnesses from Dallas,[182] one receives wallboard and caulking compound from Trenton, Sayreville, and Clifton, N. J., and Baltimore. Two or three shipments per month, weighing from 1,000 to 5,000 pounds each, are received using Roadway or the joint-line service of Spector/ETMF. This service has been slow. He supports the Bowman and Johnson applications

but has never tried their joint-line services. The other witness ships paint and wallboard. About 75,000 pounds of paint moves each month from Dallas to Greenville, Miss. From Greenville it ships approximately 400,000 pounds per month to Dallas, Houston, Tyler, Longview, Waco, Beaumont, and Wichita Falls, Tex., and New Orleans, Baton Rouge, Shreveport, Alexandria, Lafayette, and Monroe, La. It uses Jones primarily betwen Dallas and Greenville. Campbell Sixty-Six and Gordons are used from Greenville to points in Louisiana. Deaton is used in truckload shipments to points in Texas and Louisiana. Other carriers are available, but it desires more single-line service.

A manufacturer[183] who ships wallboard and ceiling tile from Meridian, Miss., requires open-top or converta van equipment

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[182] Witness Nos. 229 and 356.

[183] Witness No. 677.

for its more than 30 truckload shipments per week to points in Alabama, Georgia, and the Carolinas. It now uses Deaton, Dixie, West, Campbell Sixty-Six, and Gordons. Its own vehicles are used in many instances in order to make stopoffs and jobsite deliveries. It wants a single-line, overnight service so that it can discontinue using its own vehicles.

(Doors, Screens, and Windows)

Nine of these witnesses ship or receive doors, screens, windows, and related items. Bowman called 3 witnesses, Jones 2, and Strickland, Herrin, Baggett, and Red Ball 1 each. One witness also supported Johnson.

Three witnesses at Dallas, Garland, and Jasper, Tex.,[184] ship to points in Alabama, Georgia, Florida, Mississippi, and the Carolinas. From Jasper, truckload shipments are usually made in the shipper's own vehicles. Less-than-truckload shipments, averaging about 246 pounds, move by common carrier and Red Ball is the origin carrier. The witness desires single-line service. From Dallas, less-than-truckload shipments, weighing from 100 pounds to 5,000 pounds, move to Birmingham, Mobile, Atlanta, and Jackson, Miss. This shipper presently uses Gordons, Red Ball, Roadway, and Braswell. It complains of poor pickup service and slow transit time. Other services are available. From Garland, about 10 shipments a week, weighing from 500 to

1,000 pounds each, are made to points in Georgia, Alabama, Florida, North Carolina, and South Carolina. Large shipments are made by rail. The Garland witness presently uses Roadway and ETMF as origin carriers. He prefers single-line service, but is unfamiliar with existing services.

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[184] Witness Nos. 7, 305, and 319.

A shipper at Birmingham and a receiver at Muskogee, Okla.,[185] complain of slow service. Mercury and ETMF are used from Birmingham to Houston and Dallas. To Muskogee, the traffic moves by Transcon/Rocket, Jack Cole/Jones and ETMF/Jones. About 90,000 pounds a month are involved. Other motor carrier service is available which has not been tried.

A witness at Jackson, Miss.,[186] receives overhead doors, tracks, springs, steel channels, molding, iron pipe, and other installation items from Dallas. It receives from 20 to 30 less-than-truckload shipments per month, weighing from 250 to 1,800 pounds each. Red Ball is being used as the origin carrier. This service is all right but a little slow. Some shipments are also made from Dallas to Greenville, Meridian, and Gulfport, Miss. The witness was not familiar with the single-line service of Jones from Dallas to Greenville.

A shipper at Laurel, Miss.,[187] ships to points in Georgia, Virginia, and the Carolinas. Insofar as here pertinent, it uses rail, motor carrier, and piggyback service. It presently uses Bowman, West, Viking, and Roadway. It will not use Ryder because this carrier would not promise not to shift freight from one trailer to another. It needs single-line service to Atlanta for interchange with other carriers. It also receives large shipments inbound from New York, New Jersey, New Hampshire, Virginia, and North Carolina.

A shipper at New Orleans[188] ships metal doors and door frames to points in Alabama and Tennessee. Its origin carriers are Campbell Sixty-Six, Dixie, Deaton, Ryder, Viking, and

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[185] Witness Nos. 159 and 798.

[186] Witness No. 543.

[187] Witness No. 932.

[188] Witness No. 547.

Railway Express. It complains of poor pickup service and desires single-line carriers to avoid transfer of materials.

- 116 -

A receiver at Hiwasse, Ark.,[189] receives about eight less-than-truckload shipments a month from Atlanta and Hialeah, Fla. ETMF, Campbell Sixty-Six, and Ryder have been used as origin carriers with Jones, who serves Hiwasse daily, making the deliveries. Other carriers are available which have not been tried. It has no real complaint concerning the present service but is always looking for something better.

(Tile)

Three of these witnesses ship or receive tile.[190] One shipping from Pensacola, Fla., supports the Roadway application. He ships monthly 800,000 pounds to Illinois, 1,000,000 pounds to Wisconsin, 600,000 pounds to Michigan, 1,500,000 pounds to Indiana, and 900,000 pounds to Ohio. Mercury Freight is one of the origin carriers, with interchange at Birmingham. GFA is the other origin carrier, with interchange at Atlanta. Dixie, Roadway, Alabama Highway, Ryder and others are used as connecting carriers. Roadway, as well as other carriers, has not always been able to furnish equipment at interchange points. There is no explanation as to how or why the additional equipment would be available when needed at Pensacola. A witness at Cleveland, Miss., supporting Jones ships two truckloads weekly to Atlanta and one truckload monthly to Birmingham. There are also some less-than-truckload shipments to both cities. Private carriage is used for most of the truckload shipments. Gordons, Malone, Roadway, ET&WNC, and F&W are used on less-than-truckload shipments. The witness at

[189] Witness No. 834.

[190] Witness Nos. 50, 552, and 701.

Kansas City, Kans., also supports Jones and receives four or five truckloads per month from Florence, Ala. It presently uses ET&WNC/Jones, with interchange at Memphis. It complained of slow service but it has other carriers available.

(Building Materials)

Sixteen of these witnesses testified with respect to a need for transportation of various building materials. Roadway called 4 witnesses, Jones and Strickland 3 each, Red Ball and Bowman 2 each, and Herrin and Johnson 1 each. Some witnesses supported more than one applicant.

Three witnesses from Baton Rouge and one from New Orleans receive many less-than-truckload shipments from various points in Alabama, Georgia, New York, Pennsylvania, Ohio, South Carolina, New Jersey, Connecticut, Michigan, Kentucky, and Illinois; and a witness from Atlanta ships to Louisiana, Texas, Oklahoma, and Missouri.[191] The latter also directs some of the shipments from New York and New Jersey origins to Dallas, Houston, and Atlanta. The services of over 30 motor common carriers are used, including most of the applicants. The common complaints against these existing services are slow and inconsistent service, damage to lading, poor claim service and poor tracing. The supporting witnesses expressed a desire for the proposed faster single-line service of the respective applicants they support.

A shipper at Conley, Ga. (near Atlanta), and receivers at Jackson, Miss., and Pineville, La.,[192] are concerned with the movement of less-than-truckload traffic from Atlanta to Hatties-

[191] Witness Nos. 87, 441, 555, 612, and 614.

[192] Witness Nos. 18, 116, and 766.

burg, McComb, Jackson, and Meridian, Miss., Pineville and Dallas. Deaton, Gordons, Dixie, Ryder, Jack Cole, GHE, and West are used to Mississippi points. Private carriage is used on about 50 percent of the movements to Dallas and on inbound shipments from Houston. Shipments are also made from Birmingham and Selma, Ala., to Pineville where Red Ball is the delivering carrier. The complaint is slow service with the desire for a dependable, consistent, single-line service.

A shipper at Monroe, Ohio[193] ships about 800,000 pounds a year in less-than-truckload quantities to points in southern Alabama, western Florida, Louisiana, and southern Mississippi. Roadway is the origin carrier connecting with Red Ball, Herrin, West, GFA, and Mercury Freight. It prefers single-line service because less handling and less tracing is involved.

A shipper at McGregor, Tex.,[194] averages about 200 truckload and less-than-truckload shipments per month to points in Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, Florida, and the Carolinas. Less-than-truckload inbound shipments are received from Atlanta, Vicksburg, and Magnolia, Ark. Central Freight Lines serves the company's plant at McGregor, interlining the freight with Red Ball, Transcon, Southwestern, ETMF, and Ryder. The complaint is slow service. Private carriage is used to a certain extent and even the proposed service of the applicant supported would be joint line.

A witness at Birmingham[195] ships less-than-truckload to points in Arkansas, Louisiana, Missouri, Mississippi, Kansas, Texas, Tennessee, Alabama, and Florida. It presently uses such

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193 Witness No. 334.

194 Witness No. 529.

195 Witness No. 551.

carriers as Campbell Sixty-Six, Deaton, Mercury Freight, ETMF, Gordons, Ryder, Baggett, Jack Cole, Howard Hall, A-OK, West, and Greyhound bus. It complains of delayed pickups and slow transit time. It knows of other carriers which it has not used, but believes that the proposed schedules of Jones and Bowman would be helpful.

A shipper at Kansas City, Mo.,[196] ships approximately 45,000 pounds a week in less-than-truckload quantities to points in the southeastern United States. The principal origin carriers are Watson-Wilson, Byers, Roadway, Toedebusch, Jones, Western Gillette, T.I.M.E., Campbell Sixty-Six, and Transcon. The delivering carriers used are Roadway, Service Line, Alabama Highway Express, Watson-Wilson, Bowman, Ryder, Central, Baggett, Viking, Robertson, Thurston, Lewisburg Transfer, ET&WNC, Mid-South, and Transcon. The complaint is slow transit time and some refusal of shipments at interchange points.

A witness at Houston[197] ships about 17,000 pounds a month of window glass to points in Alabama, Georgia, Virginia, and the Carolinas. It presently uses Roadway to Atlanta and Mercury Freight to Birmingham. Red Ball, Ryder, and other carriers are also used. It complains of breakage and desires a fast, single-line service which offers less handling of merchandise.

A witness at Tulsa, Okla.,[198] receives about 9,000 pounds a month from Newnan, Ga., and Tuscumbia, Ala. From Newnan it uses the joint-line services of Pike/Transcon. It has used T.I.M.E., but discontinued that service because of slow transit time and damage to lading. From Tuscumbia it uses ET&WNC connecting with Jones. It has not tried to use Jones in two-line service out of the Atlanta area or to use Western Gillette in two-line service.

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[196] Witness No. 707.

[197] Witness No. 747.

[198] Witness No. 757.

A receiver at Fort Smith, Ark.,[199] receives every two to six weeks about 5,000 pounds from Tifton, Ga., and 1,000 pounds from Conyers, Ga. It would like to obtain 4,000 pounds of truss plates from Miami, Fla., every two weeks, but has been unable to obtain satisfactory

transportation. It is presently using GHE, Gordons, T.I.M.E., Mercury Freight, Owens, Campbell Sixty-Six, and Carolina. There are many more services available which it has not tried.

A witness at Pensacola, Fla.,[200] receives 30,000 to 40,000 pounds monthly from Cincinnati, 48,000 pounds a month from New Britain, Conn., and about 5,000 pounds a month from upper New York. From Cincinnati, it presently uses Dixie Ohio in connection with Mercury Freight. From New Britain and New York it uses Johnson single line or Roadway with GFA or MR&R as delivering carriers. It complains of slow service and desires single-line service. Several carriers are available which it has not tried.

There is a desire for the proposed single-line service and schedules offered by applicants. Most of these shippers have common carrier service available that they have not tried, and in many instances no real effort has been made to determine the extent of existing services. Present services should be tried before additional authority is granted.

Machinery and Parts

Thirty-six witnesses testified with respect to their need for the transportation of machinery and parts. All applications were supported except Deaton and Floyd & Beasley. Bowman

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[199] Witness No. 840.

[200] Witness No. 898.

called 10 witnesses, Red Ball 9, Roadway 7, Herrin and Baggett 3 each, Strickland 2, and Johnson and Jones 1 each. Johnson was supported by 5 witnesses and Bowman, Roadway, Herrin and Jones by 1 each.

Six of the witnesses testified of their need for service in the transportation of cotton gin machinery and related parts.[201] Four of them require service from Columbus, Ga., and Prattville, Ala., to Dallas; and one of these also receives parts and supplies from Birmingham, Atlanta, Augusta, Asheville, Greensboro, and High Point. The latter witness also ships outbound from Dallas to various points in Georgia and the Carolinas. Truckload shipments from Columbus to Dallas move by Eagle Motor Lines and Superior. From Prattville private carriage is used for the truckload shipments. Less-than-truckload shipments between Dallas and Columbus move by Roadway in direct service or with Baggett and Jack Cole as origin carriers with ETMF and Herrin as delivering carriers.

Between Dallas and Georgia and Carolina points the single-line services of Roadway, ETMF, Mercury Freight, Transcon, and Gordons, as well as the joint-line services of those carriers and their connecting carriers are used. They complain of slow transit time. Another shipper at Dallas makes approximately 15 shipments a month, weighing from 300 to 2,000 pounds each, to Atlanta during the ginning season. It is presently using ETMF, Gordons, Roadway, and Mercury United. It believes there are about six single-line services from Dallas to Atlanta and freight is generally divided among the existing services. The sixth witness makes both truckload and less-than-truckload shipments from Sherman, Tex., to Atlanta, Birmingham, and Greenville, Miss. He uses the services of Red Ball,

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[201] Witness Nos. 199, 249, 287, 484, 566, and 672.

Central, Gordons, J. H. Rose, C&H Transportation, and Jeffries Eaves. Some difficulties have been experienced with tracing shipments. The main complaint is slow transit time and lack of single-line service to all points. Plenty of joint-line service is available.

A shipper at Birmingham[202] ships machinery parts in less-than-truckload quantities to Houston, Beaumont, Dallas, Fort Worth, and Texas City, Tex. It uses the single-line services of Mercury and ETMF to the Houston and Dallas areas, and those carriers and Baggett with connecting carriers to other points. Approximately 10,000 pounds moved outbound to points in Texas in April and May of 1966 and about the same amount moved from points in Texas back to Birmingham. It complains that the motor carrier service is not consistent.

A witness at Columbus, Ohio, and one at Belton, S. C., testified as to their need for service.[203] One ships from Belton to points in Mississippi, Arkansas, Louisiana, Texas, Kansas, and Missouri. It presently uses ET&WNC to Arkansas points, G&P Watson-Wilson to points in Missouri and Kansas, Ryder, Roadway or Overnite Transcon to Texas, Johnson or Ryder to Louisiana, and Bowman or Ryder to points in Mississippi. It complains of slow service. The other witness ships from Columbus and Delaware, Ohio, Belton and Woodruff, S. C., and Morristown, Tenn., to the Alabama, Florida, Mississippi, and Louisiana points Roadway proposes to serve. It uses such carriers as Viking, ABF, Jack Cole, Ryder, Johnson, Bowman, ET&WNC, M&D, Robinson and their connecting carriers. It complains of slow service. There is plenty of joint-line service available but it desires a faster single-line service.

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202 Witness No. 74.

203 Witness Nos. 78 and 439.

Five witnesses at Houston, Graham, Winnsboro, and Pittsburg, Tex.,[204] ship in less-than-truckload quantities to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Pennsylvania, New Jersey, New York, and Massachusetts. A large number of carriers are used. Red Ball is the only motor carrier serving Winnsboro and it is also used at Graham and Pittsburg, with open routing of the shipment beyond the origin carrier. Other carriers used in single-line or joint-line service include ETMF, Roadway, Bowman, Southwestern, Transcon, Braswell, Ryder, Lee Way, Consolidated, Herrin, Dixie, Strickland, Yellow Transit, and Mercury Freight. These shippers want a fast single-line service, but in some instances they are using a two and three-line service where a single-line or two-line service is now available. Some shippers have limited dock facilities and therefore use only certain carriers even though better service is available by other carriers.

A witness from Vicksburg[205] receives about 40 less-than-truckload shipments per year from High Point, Charlotte, and Statesville, N. C., Atlanta, and Jonesboro, Ga., and Baltimore. He uses Shamrock, Byrd, and Ryder in single-line service with Jack Cole, Red Ball, Bowman, West, Deaton, GFA, and Shippers Express in joint-line service. Although reasonably satisfied with his service, he wants a faster service with carriers having terminals in Vicksburg.

A witness at Providence, R. I.,[206] ships 30,000 pounds a month in less-than-truckload quantities to Mobile and points in Louisiana, Mississippi, and the Florida Panhandle. He has used such carriers as Roadway, Johnson, Akers, Ryder, GFA, Baggett, Herrin and Red Ball. He is aware of at least 10 carriers including Roadway that operate single-line service from

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[204] Witness Nos. 270, 277, 377, 499, and 513.

[205] Witness No. 773.

[206] Witness No. 890.

Providence to Atlanta. Johnson provides single-line service to New Orleans. He wants a faster single-line service to all points.

Four receivers at Dallas, San Antonio, Bonham, and Tyler, Tex.,[207] receive shipments from Atlanta and Commerce, Ga., Birmingham, Mobile, and Montgomery, Ala. The receiver at San Antonio averages three truckloads a month from Atlanta. The supplier routes the traffic and uses Roadway. He is not familiar with other services which are available. The witness at Bonham

receives less-than-truckload shipments from Atlanta as well as Greenville, S. C., Charlotte, N. C., Monticello and West Point, Ga. He is served by Red Ball, Central, and Roadway. The first two have terminals there. Other carriers used are Ryder, Jack Cole, Gordons and Mercury. The receiver at Tyler receives three small shipments a month from Atlanta and 10 to 15 shipments a month from Commerce weighing from 152 to 1,520 pounds. It uses a joint-line service with Southwestern, Red Ball, and ETMF making the deliveries. The witness at Dallas receives shipments each week weighing from 1,000 to 10,000 pounds from Birmingham, Mobile, Montgomery, and Atlanta. He is using Mercury Freight, Transcon, and Roadway. The general complaint is slow service and poor tracing but they continue to use two and three-line carriers when more direct service is available.

Twe witnesses from Baton Rouge[208] receive less-than-truckload shipments from Atlanta, Birmingham, Elyria, and Cleveland, Ohio, Holyoke, Mass., and points in New York, Pennsylvania, New Jersey, and Virginia. From Atlanta it uses Ryder single-line and Johnson/Red Ball joint-line. From Birmingham

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[207] Witness Nos. 309, 341, 531, and 749.

[208] Witness Nos. 449 and 473.

it uses Campbell Sixty-Six. From Ohio points it uses Roadway/Gordons. From Massachusetts it uses McLean and its connecting carriers. From other points it uses a variety of joint-line service over the New Orleans, Memphis, Nashville, and Jackson gateways with Braswell, Red Ball, Saia, Gordons and Herrin as delivering carriers. It also uses Acme Fast Freight from New York. The complaint is slow transit time and damage to shipments. Generally shippers fail to honor routings specified by these witnesses.

A manufacturer at Watertown, Mass.,[209] ships about 30,000 pounds a month to points proposed to be served by Roadway. Shipments average about 5,000 pounds and are blocked and braced in trailers for shipment. Interchange of freight enroute is difficult. It uses Johnson on shipments to New Orleans. It also uses Roadway and freight forwarders. It takes approximately four months to manufacture this equipment. It is manufactured after the order is taken so there is a four-month delay to begin with. Every day of delay in shipment is very important to the customer.

- 123 -

Two shippers at Easley, S. C., and Gastonia, N. C.,[210] ship to points in Texas, Louisiana, and Mississippi. From Easley to Texas points about 100,000 pounds moves each year with shipments ranging from 15,000 to 35,000 pounds each. Carriers used are Thurston over Memphis in care of Missouri-Pacific Truck Line. It has also used Ryder and ET&WNC. From Gastonia about 15 million pounds a year move to points in Louisiana, Mississippi, and Texas. Piggyback service and a large number of motor carriers are used such as Thurston, Akers, Roadway, Deaton, T.I.M.E., Viking, Jack Cole, Robert-

[209] Witness No. 333.

[210] Witness Nos. 79 and 528.

son, Red Ball, Dixie Highway, Shippers Express and others. These witnesses would like a faster service.

A shipper at Atlanta[211] ships about 5,000 pounds a week to points in Mississippi, Arkansas, Louisiana, and east Texas. It uses Dixie Highway, Baggett, Bowman, T.I.M.E. and Jack Cole as origin carriers. It complains of slow service and tracing problems. Ryder has provided poor pickup service. It would like a direct single-line service.

A receiver at Houston[212] receives shipments in less-than-truckload quantities from such diverse points as Atlanta and Augusta, Ga., Somerville, Mass., Nashville, and Springfield, Tenn., Oakes and West Chester, Pa., and North Bergen, and Newark, N. J. It uses Acme and Universal Carloading and such motor carriers as Ryder, Red Ball, T.I.M.E., Akers, Roadway, Strickland, ETMF, Bowman, and others. It complains of poor service citing slow transit time and tracing problems, but has made no real effort to route the traffic except from Augusta where it uses Bowman/ETMF. It believes a single-line service would be a big improvement.

A shipper at Greenville, Ala.,[213] ships outbound and receives inbound about 100,000 to 300,000 pounds per month. About 30 percent of the shipments are truckload and 70 percent are less-than-truckload. Carriers presently serving Greenville are A-OK, Caton, Ward, and Baggett. It supports Roadway in order to obtain more direct single-line service. It believes that interchange causes delay. Roadway has not promised a

terminal at Greenville, and the witness does not know how Roadway proposes to handle the traffic.

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[211] Witness No. 100.

[212] Witness No. 516.

[213] Witness No. 141.

A witness from Mobile[214] receives 15 to 20 shipments annually ranging from 60 pounds to 4,000 pounds from scattered points in the Midwest and the East Coast. He presently uses such motor carriers as Jack Cole, Mercury Freight, Bowman, GFA, Johnson, Caton, Central Motors, and Gordons. Mercury Freight has given very good service, but he is seeking more single-line service because he believes that interchange causes delays.

A witness at Miami, Fla.,[215] has three or four shipments a week moving between Miami, on the one hand, and, Dallas and Houston on the other. On outbound traffic he uses Bowman and its connections and is satisfied with this service. Inbound shipments are delivered by Ryder, Central, and Bowman. This service has not been good but he has little control over selection of these carriers. Shippers do not follow his suggestions. Ryder's pickup service was bad and he has not used this carrier on outbound shipments in the last two or three years.

A shipper at Denver[216] ships a total of 64,000 pounds monthly to Birmingham and Atlanta. It uses Watson-Wilson single line to Atlanta through St. Louis, or the Kansas City gateways. It also uses the joint-line services of IML/Gordons through Kansas City, Lee Way/Transcon through Oklahoma City and Red Ball/ETMF through Memphis. It complains of slow transit time, inconsistent service, and no single-line service to Birmingham. Other services are available.

Two shippers at Topeka, Kans.,[217] ship in less-than-truckload quantities to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, and Florida. These

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[214] Witness No. 868.

[215] Witness No. 169.

[216] Witness No. 438.

[217] Witness Nos. 716 and 717.

shippers use Capitol Truck Lines, Inc., and Yellow Transit as origin carriers. Delivering carriers are Baggett, Georgia Highway, Roadway and Campbell Sixty-Six. The complaint is that the shipments are too long in transit and they therefore prefer a single-line service.

A shipper at Pueblo, Colo.,[218] during 1966 shipped 90,000 pounds to Atlanta and 8,000 pounds to Birmingham. Yellow Transit provides a single-line service to Atlanta. Other carriers used are Red Ball, Navajo, D. C., and REA. It complains of slow transit time and would prefer more single-line service.

- 125 -

A witness at Rector, Ark.,[219] ships in less-than-truckload quantities to Atlanta and Marietta, Ga., and Birmingham. Jones is the origin carrier at Rector and the routing beyond is left open. It also receives inbound shipments from Atlanta by use of Transcon Jones. It believes that single-line service would improve transit time.

A witness at Muskegon, Mich.,[220] ships in truckload and less-than-truckload quantities to Mobile. Occasionally shipments are also made from Grand Rapids and Lansing, Mich. Jack Cole and Gordons have been delivering carriers. It desires single-line service and none is available from Muskegon. A lot of joint-line service is available which it has not used.

These witnesses for the most part complain about the service they are receiving from the carriers they are presently using. They prefer the faster single-line schedules proposed by the applicants. Much of the joint-line service presently used is per-

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[218] Witness No. 721

[219] Witness No. 723.

[220] Witness No. 909.

formed by the applicants herein. There are also many carriers offering a service which has never been tried. No need has been shown which would warrant a grant of additional authority.

Electrical Supplies, Appliances, and Parts

Fifty-one witnesses who ship or receive electrical supplies testified in the aggregate, in support of all of the applicants except Floyd & Beasley. Strickland called 11 witnesses; Johnson and Roadway 8 each; Red Ball 7; Bowman 6; Herrin 4; Baggett and Deaton 3 each; and Jones 1. Some witnesses supported more than one applicant.

Eleven of these witnesses[221] ship in both truckload and less-than-truckload quantities from Atlanta, Chamblee, Conyers, and Rome, Ga., to points in Alabama, Arkansas, Louisiana, Mississippi, and Texas. Shipments of storage batteries from Conyers, ranging from 1,400 pounds to 42,000 pounds, move by Owens, a local carrier, to Atlanta for interchange with Deaton, Ryder, Johnson, and Jack Cole for delivery to points in Mississippi and Louisiana. The Conyers shipper desires single-line service and complains of poor pickups on Saturdays.

- 126 -

During a 3-month period, the Rome shipper used Bell, C&H, and Southern Railway to move 122,000 pounds of transformers and switches to Houston and Dallas. It prefers single-line service but does not use the existing single-line service of Roadway and Ryder because "they do not provide the type of service he requires." Shipments weighing from 50 pounds to 20,000 pounds move from Chamblee (Atlanta) to points in Louisiana, Texas, and Mississippi. Transcon is used to Dallas and Ryder to Jack-

[221] Witness Nos. 22, 93, 101, 122, 137, 151, 158, 202, 451, 620, and 621.

son, Monroe, Shreveport, and Baton Rouge. The Chamblee shipper complains that the Transcon service is slow and that Ryder does not pick up on the day requested. It also ships by Baggett as origin carrier with open routing beyond. Services of other carriers are available. Atlanta shippers ship primarily in less-than-truckload quantities and use Johnson to New Orleans and its connecting carriers to other Louisiana points; also Ryder's single-line service, as well as REA and bus service. To Mississippi points they use such carriers as Red Ball, Dixie, ETMF, GFA, West, ET&WNC, Braswell, and Ryder, either in single-line or joint-line service. Much of the Texas traffic is sent by Transcon, Roadway, T.I.M.E., Gordons, ETMF, Ryder, and Mercury Freight. Often the single-line services available are not used by these shippers. The most common complaint is slow transit time. The shippers also complain about poor pickup service by Ryder and, occasionally, by Jack Cole and Johnson. These shippers all want single-line service and more carriers, even though they have not used all of the service presently available. There is no shortage of joint-line service and most of it is very good.

A shipper at Syracuse, N. Y.,[222] ships about 400,000 pounds a year in small shipments, averaging 300 pounds each to New Orleans, Baton Rouge, and Mobile. No single-line service is available, so it uses Roadway to Memphis or Birmingham with open routing beyond. It complains of slow deliveries and tracing problems, and believes that a single-line service will improve the situation. There are other carriers available.

Four witnesses at New Orleans and Shreveport, La.,[223] ship primarily to Pensacola, Atlanta, Columbus, Birmingham, Montgomery, Mobile, and other points in the South. From New Orleans to Pensacola, they use Johnson's single-line service, but

[222] Witness No. 260.

[223] Witness Nos. 190, 540, 606, and 748.

it has not been dependable nor able to take all of the traffic offered. West interchanges such freight at Mobile with Cooper, GFA, or MR&R.

- 127 -

Pickup service has been poor. To Atlanta, Columbus, Birmingham, Mobile, Montgomery, and other southern points, such carriers as Ryder, Dixie, Jack Cole, Herrin, West, Central, Baggett, Red Ball, and Johnson are used. There are some inbound shipments to the Atlanta area from points in Florida, Michigan, South Carolina, New York, and Connecticut. Shipments from Shreveport are made to and through Atlanta and Birmingham. ETMF and Ryder offer single-line service to some points in this area but are not used. Red Ball is used with Jack Cole and Central as connecting carriers. The services of other carriers are also available.

Two witnesses at Pittsburgh, Pa.,[224] ship electrical transformers and component parts in both truckload and less-than-truckload quantities from Pittsburgh and Gadsden, Ala., to points in Arkansas, Louisiana, Kansas, Mississippi, Missouri, and Texas. Gadsden is the primary shipping point for this area. Open-top trailers with high sides are needed. They have used such carriers as B&G Express, Superior, Wilson, Viking, Roadway, Herrin, Tower, Overnite, West, Campbell Sixty-Six, Bowman, Deaton, Gordons, and Mercury Freight. Baggett has been used out of Gadsden to Georgia points but not to New Orleans. B&G Express, domiciled at Gadsden, is used extensively as the origin carrier. Bowman serves Gadsden but has not been used for Birmingham connections. Roadway also serves Gadsden, although the witness was not familiar with the extent of its service. They complain of tracing difficulties with connecting carriers and damage to freight. They desire a single-line service, and propose to divert freight to Bowman if its application is granted.

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[224] Witness Nos. 301 and 886.

A shipper at Fayetteville, Ark.,[225] ships a total of 4,000 pounds a week to Atlanta and Birmingham. An occasional shipment is made to Greenville, Miss., by Jones as origin carrier in a two- or three-line service. To Atlanta, it uses Jones Ryder over the Memphis gateway. To Birmingham, it uses Campbell Sixty-Six in single-line service. It has recently started to use Red Ball as an origin carrier. It desires more carriers with faster service.

Eight shippers at Houston, Dallas, McKinney, and Texarkana, Tex.,[226] ship in less-than-truckload quantities to Atlanta, Birmingham, Pascagoula, Laurel, Jackson, and

Greenville, Miss., points in Arkansas and Florida, and with occasional shipments to points in Virginia and the Carolinas. From Texarkana to Arkansas points, the shipper uses Southwestern Transportation, ABF, and bus lines. Its primary complaint on existing service relates to some concealed damage on inbound shipments from Birmingham. The five shippers at Dallas use Red Ball to Mississippi, Jones to Arkansas, ETMF to Atlanta, Mercury Freight to Birmingham, and Roadway, Central, and Herrin to Florida points through interchange. Pickup service by Jones and Red Ball has not been too good. The general complaint is slow service and damage to lading. There is a lot of common carrier service available that has not been used.

A shipper[227] with manufacturing plants at Cleveland, Columbus, and Ashtabula, Ohio, Hammond, Madison, and Columbus, Ind., is interested primarily in the movement of traffic from Cleveland to the Gulf Coast area, mainly to Baton Rouge.

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[225] Witness No. 759.

[226] Witness Nos. 280, 317, 379, 398, 399, 472, 510 and 684.

[227] Witness No. 302.

New Orleans, Gulfport, and Pascagoula. About 2,000,000 pounds a year are shipped into the Gulf Coast area from all plants. Roadway is the origin carrier for most plants. Gordons and West are delivering carriers. It complains of poor service due to interline, but is not using the single-line service of ABF from Cleveland to most of the points involved herein.

Three shippers from Raleigh, Hickory, and Fayetteville, N. C.,[228] ship to points in Alabama, Louisiana, Mississippi, and Texas. From Hickory, over 200,000 pounds a month is shipped to Dallas by piggyback, ET&WNC/Herrin, Thurston/Red Ball, and private carriage. To Houston, it uses rail, Roadway, Johnson with its connections, and private carriage. Roadway does not always have sufficient equipment. Although supporting both Bowman and Johnson it has not used Bowman and has used Johnson sparingly. The shipper at Raleigh uses Thurston/Herrin to Louisiana points. To Houston, Dallas, and Fort Worth, it uses Thurston/ETMF. Other connecting motor carriers used for Strickland, RC, GFA, and Johnson. Roadway and Ryder serve Raleigh but have not solicited the traffic. From Fayetteville to New Orleans, Baton Rouge, Mobile, and Gulfport the shipper uses Overnite and Roadway as origin carriers with interchange at Atlanta, as well as the single-line service of Johnson. Until about a year ago Ryder's service had

been used but it was not satisfactory. Roadway also was found to be slow on its portion of the service. The present service is fair and other service is available, but the proposed service is supported in the desire for improvement.

A receiver of electrical supplies at Shreveport[229] receives shipments from various points including Syracuse, Hudson, and

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[228] Witness Nos. 299, 467, and 929.

[229] Witness No. 602.

New York, N. Y., Chelsea, Mass., Bedford, Newark, Jersey City, and Camden, N. J., Meriden, Jewett City, and Hartford, Conn., High Point and Henderson, N. C., Philadelphia and Ambridge, Pa., Atlanta and Carrollton, Ga., Denmark, S. C., and Birmingham, Ala. It uses Acme Fast Freight, Strickland, Red Ball, Ryder, Thurston, Akers, ETMF, Jack Cole, Dixie, Braswell, Herrin, Roadway, T.I.M.E., and Universal Carloading in single- and joint-line services. It prefers single-line services and schedules as proposed by Bowman and Johnson to speed up transit time and avoid tracing difficulties. The evidence does not show any use of the joint-line services offered by either of the carriers supported.

Two witnesses at Baltimore[230] ship in both truckload and less-than-truckload quantities to Hattiesburg, Laurel, Meridian, Gulfport, and Pascagoula, Miss., Little Rock and Pine Bluff, Ark., Baton Rouge, Lake Charles, Monroe, New Orleans, Shreveport, La., Mobile, Ala., Beaumont, Dallas, Fort Worth, Garland, Houston, Orange, Port Arthur, and Texarkana, Tex., and Pensacola, Fla. Johnson has been used to the Gulf area and Roadway to Texas points. Interline service is slow and tracing is poor, so the slower freight forwarder service is preferred over joint-line motor carrier services because of singular responsibility. Roadway presently provides a good deal of direct service. T.I.M.E. and ET&WNC offer single-line service to Little Rock but have not been used. Other motor carrier services are available which have not been tried.

Three receivers of merchandise at Baton Rouge and Monroe, La.,[231] receive less-than-truckload shipments from Trenton and Rockaway, N. J., Atlanta, Birmingham, Philadelphia, New York, N. Y., Matthews, N. C., and Jackson, Miss. Johnson and Strickland are origin carriers out of the East with Ryder used

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[230] Witness Nos. 257 and 859.

[231] Witness Nos. 558, 657, and 823.

on shipments out of Atlanta and Birmingham. Other carriers used are Herrin, Red Ball, Braswell, T.I.M.E., Jack Cole,

Campbell Sixty-Six, Valley Copperstate, Saia, and Gordons. The main complaint is slow transit time, but shippers usually route the traffic. The Monroe witness was not aware of the Harris/Ryder service and has not tried to use Bowman. Other services are also available to these shippers.

Three shippers at New Britain and Plainville, Conn., and Foxboro, Mass.,[232] ship in less-than-truckload quantities to Davenport, Irvington, Green Bay, Spring Hill, Mobile and Greenville, Ala., Gulfport, Ocean Springs, Bay St. Louis, and Biloxi, Miss., Gretna, Belle Chase, Port Allen, Harvey, New Orleans, Baton Rouge, and Metairie, La., Pensacola, Fla., and points in Texas. From New Britain and Plainville, Acme Fast Freight and Republic Carloading handle most of the traffic. Strickland is not used because its transit time is unsatisfactory. Two of these witnesses do not use Johnson because of difficulty in making through rate arrangements and also their wish to minimize the number of carriers used because of limited loading dock space. From Foxboro, Strickland is used and the service is satisfactory. Texas Freight (a freight forwarder), parcel post, and air express are also used along with such motor carriers as Johnson, T.I.M.E., Roadway, Merchants, and Central. Intercity is the pickup carrier at Foxboro and will continue to be so used, even if the instant applications are granted.

Six witnesses at Jackson, Miss.,[233] received inbound shipments in less-than-truckload quantities. One receives shipments from origins in the east and the others receive their freight from the Dallas, Atlanta, Birmingham and Chattanooga areas.

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[232] Witness Nos. 648, 649, and 883.

[233] Witness Nos. 149, 203, 205, 647, 665, and 670.

Much of the traffic from northeast United States is received through the Atlanta gateway. Three-line service is used in many instances where two-line is actually available. The shippers route most of the traffic. Red Ball is used on traffic from Dallas and this service has been satisfactory. Braswell offers a single-line service from Dallas. Other carriers used for a portion of this service are Jack Cole, West, GFA, Gordons, RC, McLean, GHE, Ryder, Deaton, Viking, Mason & Dixon, Dixie, Campbell Sixty-Six, Pilot, T.I.M.E., Treadway, Central, Merchants, and Universal Carloading. The most common complaint is slow service and they support the applications in the hope of receiving faster transportation.

- 131 -

Some have made no investigation of existing services nor tried the joint-line services offered by the applicants they support.

A shipper of tape recorders and related parts from Colorado Springs, Colo.,[234] shipped during the month of September 1966, 13,000 pounds to Birmingham and 1,200 pounds to Atlanta. Red Ball is the origin carrier who interchanges with T.I.M.E., Transcon, Ryder, and Watson-Wilson. The complaint is poor transit time and it seeks single-line service.

A shipper of high voltage electrical equipment at Birmingham[235] ships a total of ten to twelve 5,000 pound shipments each month to Beaumont, Houston, Orange, and Texas City, Tex. It is presently using Mercury Freight and ETMF. It understands that Mercury Freight serves only Beaumont direct and it wants single-line service to all points. It has no complaint concerning its present service.

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[234] Witness No. 720.

[235] Witness No. 62.

A witness at Houston[236] receives approximately two trailer loads per week (40,000 pounds each), one each from Pawtucket, R. I., and Farmingdale, N. Y. From Irvington, N. J., it receives one trailer load every two months. On these inbound shipments he uses piggyback, Sea-Land, private carriage, and motor common carriage with ETMF, Lee Way and Southwestern as delivering carriers. He also makes outbound shipments to points in the southeastern United States. For the latter service he uses Roadway, Ryder, Herrin, Red Ball, and ETMF. He complains of poor pickup and long transit time. No shortage of service is shown, nor is need for more service established.

Two witnesses at Kansas City[237] ship in less-than-truckload quantities to points in Florida, Georgia, and South Carolina. Most shipments to Florida go by Universal Carloading and Acme Fast Freight. When motor carrier service is used, Roadway and Toedebusch are origin carriers and Ryder and Central are delivering carriers. T.I.M.E. and Watson-Wilson provide single-line service to Georgia. Roadway provides single-line service to South Carolina. They have no particular complaint about present service but would like more carriers.

- 132 -

The testimony of these 51 witnesses shows that adequate transportation service is presently available. In general they desire the faster schedules proposed by the respective applicants supported, better tracing of shipments, and more single-line service. Yet many have services available which they have not tried, some have made no investigation of available services, and some acknowledge that their existing service is satisfactory but support applicants for more and possibly improved carrier services.

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[236] Witness No. 502.

[237] Witness Nos. 704 and 728.

Furniture

Approximately 31 witnesses testified with respect to their shipping experiences in the transportation of home, institutional, office, and school furniture, including lighting fixtures, appliances, drapes, carpets, greeting card display cases, and accessories.

Seven of these shippers of new furniture were from producing points in North Carolina, such as Statesville, High Point, Greensboro, Forest City, and Charlotte. Six of these witnesses[238] testified in support of applicants Bowman, Johnson, and Jones concerning their need for transportation service into Louisiana, Mississippi, Arkansas, Texas, Kansas, and Missouri points. One witness[239] supported Roadway for less-than-truckload service to certain points in Alabama, Florida, Mississippi, and Louisiana. These seven shippers have about 1½ million pounds of furniture moving into these States each year and are using consolidators, specialized motor carrier furniture haulers, freight forwarders, and some general commodity motor carrier services. They complain that transit time is too long, that there are delays at interchange points, and in some instances the shipments are returned because they cannot be interlined. Handling of furniture should be kept at a minimum and therefore single-line service is preferred.

Four shippers[240] from Rome and Atlanta, Ga., and Birmingham, Ala., support Baggett, Red Ball, Strickland, Deaton, Bowman, Johnson, and Jones for their proposed service to points in Arkansas, Texas, Mississippi, Colorado, Oklahoma, and Louisiana. The furniture moves in less-than-truckload quantities, much of it in two- and three-line service, and totals less

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[238] Witness Nos. 30, 31, 35, 37, 125, 668.

[239] Witness No. 387.

[240] Witness Nos. 21, 134, 150, and 761.

than 100,000 pounds a month. Collectively they use over 14 different

motor carriers, as well as the services of Southern Railway, Santa Fe, Missouri-Kansas-Texas, and REA. They complain of slow pickups, service delays at interchange points, and some difficulty in interlining furniture. The witnesses are not very familiar with the present service offered. Some three-line service is being used where two-line is available.

Four witnesses shipping primarily from Dallas[241] support the Bowman, Johnson, Jones and Herrin applications. They ship in small, less-than-truckload quantities to points in many States, such as Alabama, Florida, Georgia, Maine, Mississippi, Maryland, Massachusetts, North Carolina, South Carolina, New York, New Jersey, Pennsylvania, Tennessee, Rhode Island, Virginia, and the District of Columbia. The principal carriers used are Herrin, Roadway, Mercury, Strickland, Yellow Transit, Red Ball, Braswell and REA. The single-line service of present carriers is satisfactory and more single-line service is desired to avoid delay at interchange points and to cut down on damage to furniture because of excess handling. All are interested in faster transit time.

Four of the witnesses[242] support Johnson, Bowman, and Baggett, for inbound shipments to Dallas, Fort Worth, Beaumont, and Houston, Tex. These are small, less-than-truckload shipments for the most part originating at points in Alabama, Florida, Georgia, Kentucky, New Jersey, New York, North Carolina, South Carolina, Tennessee, and southern Virginia. They use rail service as well as existing motor carrier services of over 20 carriers, including such applicants herein as Herrin,

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[241] Witness Nos. 253, 366, 367, and 479.

[242] Witness Nos. 504, 534, 565, and 916.

Roadway, Strickland, Baggett, and Red Ball. These receivers complain about partial deliveries, slow transit time, and damage to the lading. They contend that this is caused by multiple handling through interline service. A large part of the freight moves by rail pool cars, or furniture consolidators and will continue to be so received. Ryder has been providing good service from points in Florida, Georgia, and the Carolinas, but of course a single-line service, as proposed by applicants, is preferred.

Four shippers[243] at Memphis, Tenn., Conway and Fort Smith, Ark., ship to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and Tennessee. They ship primarily in less-than-truckload quantities and support the applications of Herrin, Bowman, and Jones. The services of approximately 10

different motor carriers are used. The three shippers at Conway and Memphis also use their own private equipment, especially for truckload quantities. Additional single-line services are sought to avoid delays and difficulties at interchange points.

Three receivers of furniture and materials[244] at Birmingham and Monroe, La., and Gadsden, Ala., receive shipments from points in Alabama, North Carolina, South Carolina, Missouri, Louisiana, Arkansas, Texas, Connecticut, New Jersey, Massachusetts, and Pennsylvania. The complaint with existing motor carrier service is time in transit, damage to merchandise, difficulty in tracing, and in some instances in obtaining carriers at interchange points. Most shipments are routed by the supplier. The company at Monroe also ships outbound to points along

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[243] Witness Nos. 689, 738, 739, and 800.

[244] Witness Nos. 600, 638, and 760.

the Eastern Seaboard. Rail pool-car is used where volume justifies.

A receiver[245] of office supplies and furniture at Jackson, Miss., supports Strickland. It has 40 to 60 less-than-truckload shipments coming in each month from Atlanta, Dallas, Houston, and Birmingham. They vary in weight from 25 to 1,000 pounds. A fast, consistent service is desired, which it is not receiving at the present time. It does not route this incoming traffic and leaves it up to the supplier.

Three receivers[246] of furniture and related supplies at Fayetteville, Fort Smith, and Little Rock, Ark., receive merchandise from points in New York, New Jersey, Virginia, North Carolina, South Carolina, Georgia, and Alabama. They all support Jones, and the receiver at Little Rock also supports Bowman. While the shipments, for the most part are small, there is a need for an expedited service to meet customer demands. One shipment from New York to Little Rock by Strickland was delayed so long that it had to be re-ordered. The existing interchange service of Bowman/Jones has never been tried. The service of Ryder and Mercury is reasonably good.

A receiver[247] at Muskogee, Okla., receives small shipments from points in Georgia, Virginia, and the Carolinas. It supports Jones and uses this carrier along with Rocket. There is no single service available on shipments from Atlanta. Two-line service is available but this is slow and increases the possibility of damage to the merchandise. Tracing has also been poor.

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[245] Witness No. 584.

[246] Witness Nos. 821, 847, and 850.

[247] Witness No. 824.

Some of these shippers manufacture furniture to specific orders and prompt delivery service, after completion of the orders, is necessary to maintain customer relations and to avoid order cancellations. As is true of other manufacturers, their wholesale and retail outlets maintain only minimum inventories, depending upon the supplier and the transportation services to meet their needs with respect to filling the orders within the time limitations of their customers.

Specialization in the manufacture of furniture results in many factories having wide markets and necessitates long hauls to the wholesale retail market. The general complaint against the services of the furniture consolidators and specialized new furniture motor carriers is that they often hold shipments to accumulate a sufficient volume of freight going to a certain area to make the operation economically feasible. The use of freight forwarders also is reported to be unsatisfactory in that the rail service utilized is slow and delays delivery of the freight. Insofar as the use of the services of general freight motor common carriers is concerned, these shippers find such services generally satisfactory to on-line points of the origin carrier. However, if it is necessary to interline the freight delays and poor service often are encountered as a result of difficulties experienced in locating a connecting carrier willing to accept the shipment and to handle it on a through-rate basis.

Furniture traffic is light and bulky, is easily susceptible to damage, and is difficult to handle in the same vehicle with other commodities because of stowage problems. The furniture shipper is faced with packing restrictions, lack of through-route provisions, and many times required to use a combination of local rates, which are often considerably higher than established joint rates applying on other types of traffic. Impliedly it is to the interest of these shippers to have available the single-line service of general commodity motor common carriers to as many points as possible within their distribution areas. There is no indication that the shipments as tendered to the various

transportation services have failed in any way to meet the tariff shipping requirements.

The record confirms the fact that some of both the applicants and protestants have tariff restrictions against the handling of new furniture beyond points on their own line or in some instances complete restrictions against the handling of such shipments within the area here involved. Shippers of furniture are to a large extent dependent upon motor common carrier service. Frequently wholesale and retail department stores maintain low inventories, do not purchase furniture in truckloads,

and may be situated at points far from major distribution centers. Few motor common carriers have the requisite authority or ability to provide a truly nationwide service and the furniture industry frequently depends upon the establishment by motor common carriers of through routes, joint rates, and interchange agreements for the most efficient and economical means of distributing a part of its goods. The Commission has frequently found that under section 216(c) of the Interstate Commerce Act it has no authority to require the establishment or maintenance of through routes and joint rates. However, it does have authority to end unreasonable practices. A motor carrier may not merely refuse to participate in joint movements of furniture, and, at the same time participate in such movements on other traffic. If a motor carrier chooses to participate in joint-rate and through-route arrangements with other carriers, it must do so uniformly, and may not unfairly except one type of traffic—such as furniture—from these arrangements.[248]

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[248] *National Furniture Conf. v. Assoc. Truck*, 332 I.C.C. 802, sustained *Assoc. Truck Lines, Inc., et al. v. United States et al.*, U. S. D. C., W. D. Mich. (S. Div.), Civil Action No. 6070, decided September 29, 1969; cf. *Restrictions on Interchange Arrangements*, 335 I.C.C. 356.

The Commission previously has given consideration to the transportation needs of furniture manufacturers. It concluded that in order to render the most efficient and adequate service for such shippers, the carrier should not be restricted to specific destination points (such as here proposed by these applicants), but should be authorized to serve all points within a general territory.[249] Such authority has been granted to a number of specialized furniture carriers serving the North Carolina manufacturers, and although these specialized carriers are not parties protestant to these general commodity applications, we note that their services have been employed by the shippers.

In assaying the present and future public convenience and necessity it is necessary that we give consideration to the question of whether the addition of the proposed scheduled regular route services of general freight carriers to specific major points within the States previously noted will in fact result in improved transportation services to the furniture industry supporting

these applications. The result of such additional transportation service may well be a deterioration of the existing services of the specialized furniture carriers specifically authorized to serve the industry by limiting the freight tendered to them to that which is destined to the more remote and smaller points not served by the general commodity carriers, thus depriving the specialized carriers of the economically important segment of their freight.

While not discounting entirely the testimony of these representatives of the furniture industry supporting the proposed regular route scheduled services of these general commodity

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[249] *DeKay Common Carrier Application*, 29 M.C.C. 95, 97; *Kennedy Common Carrier Application*, 27 M.C.C. 427, 429; *Trans-Cold Express, Inc., Ext.—Furniture*, 108 M.C.C. 129, 138.

applicants and recognizing the benefits which they may realize through such additional scheduled services to specific points, certainly the weight given to their testimony must be tempered by the recognized special transportation needs of this industry as previously noted. Furthermore, the impediments these shippers are experiencing for satisfactory service from existing general commodity carriers can be, and are being remedied through other appropriate action as noted. The record contains no data from which it may be determined to what extent, if at all, the freight of these shipper witnesses may be diverted from the existing basic specialized carriers without impairing their overall ability to serve the shippers. We do not believe that a need has been shown for additional service in the transportation of furniture.

Scientific Instruments, Containers and Supplies

Thirteen witnesses who ship or receive scientific instruments, containers, and suppies, testified concerning their need for motor carrier transportation. Bowman and Johnson called four witnesses each. Herrin called 3 and Roadway and Jones 1 each. In addition, Bowman was supported by 5, Johnson and Jones by 2 each, and Red Ball by 1.

Three shippers at Atlanta[250] ship in less-than-truckload quantities to points in Louisiana and Mississippi. They use ETMF, Dixie, Ryder, Gordons, Deaton, and REA. This service is generally satisfactory except that sometimes it takes too long for the freight to reach destination. The pickup service is slow and Ryder does not always pick up on the day called. They believe that a grant of the applications they support will provide additional carriers and a faster service with resulting increase in business.

[250] Witness Nos. 97, 166, and 175.

A witness at Texarkana, Tex.[251] ships approximately 90,000 pounds a year from Texarkana to Birmingham and Montgomery, Ala., Blytheville, Fayetteville, Fort Smith, and Jonesboro, Ark., Atlanta, Chamblee, and McDonough, Ga., Pittsburg and Wichita, Kans., Greenville, Miss., Joplin, Kansas City, and Springfield, Mo., and points in Oklahoma. Shipments are originated by ETMF, ABF, Southwestern, Red Ball, and Strickland. The witness does not route beyond the origin carrier. He complains of slow pickup service by ETMF and Strickland, but is not very familiar with the existing services.

A witness at Jackson, Miss.[252] receives approximately 40,000 pounds per year from Philadelphia, Jersey City, N. J., and points in New York. He uses such carriers as Akers, Viking, Mason & Dixon, T.I.M.E., Deaton, Gordons, West, Campbell Sixty-Six, and others. He is not satisfied with present transit time and wants single-line service. Jack Cole-Dixie has offered direct service from the New York area and solicited this business but the witness showed no interest in that offer of service. Neither has he tried the joint-line services available by either of the applicants he supports.

A witness at Houston, Tex.[253] ships approximately 100,000 pounds a month to his warehouses in Atlanta, Jacksonville, Wayne, N. J., and Rockville, Md. Some shipments also are made to other points in Florida, Georgia, the Carolinas, and points in the northeast. In addition he receives inbound shipments of about 100,000 pounds a month from Philadelphia, Baltimore, New York City, and Boston. He uses parcel post, REA, as well as the motor carrier services of Roadway, Ryder, Herrin, and ETMF, and has available the services of other

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[251] Witness No. 286.

[252] Witness No. 595.

[253] Witness No. 494.

carriers. Transit time is important and he would like more single-line service.

A receiver at New Orleans[254] receives two or three less-than-truckload shipments per month from Birmingham, and one or two shipments a week from Atlanta. He had used Ryder and West from Birmingham and Johnson, Jack Cole, and GFA/Red Ball from Atlanta. He complains of poor transit time, tracing difficulties, and claims problems.

- 139 -

He wants more single-line service but has not tried all that is presently available. He is not aware of Baggett's direct service from both Atlanta and Birmingham.

Two receivers at Dallas[255] receive less-than-truckload shipments from Chattanooga, Tenn., and Deland, Fla. From Chattanooga the services of ET&WNC, Bowman, Robinson, ETMF, Western Gillette, Strickland, and Red Ball are used. From Deland Ryder is the origin carrier with Red Arrow, Central, Red Ball and Brown Express the delivering carriers. The witnesses complain of slow transit time, inconsistent service, and damage to the lading. They want more single-line service but have not used all the direct service now available, nor the joint-line service of the applicant supported.

The witness at East Rutherford, N. J.[256] is seeking a single-line service to Jackson, Miss., and the Louisiana and Texas points proposed to be served by Johnson. The traffic is presently moving by Johnson as origin carrier with interline to des-

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[254] Witness No. 643.

[255] Witness Nos. 259 and 292.

[256] Witness No. 923.

tinations. This service has been satisfactory but he would like single-line service to avoid rehandling of the merchandise. Some single-line service is now available which he is not using. The shipments to Texas points are presently moving by freight forwarder.

A witness from Baton Rouge[257] receives both truckload and less-than-truckload shipments originating at Edison and Metuchen, N. J., New York City, Stanford, Conn., Cincinnati, and Chicago. He receives six to eight shipments a week from points in Roadway's territory. He also uses Gordons, Red Ball, Strickland, and Campbell Sixty-Six. He is not satisfied with the present service due to a lack of consistency, slow delivery, and tracing problems. He supports Roadway's proposed single-line service, although he is unaware of various services available and apparently has made no effort to work out routings with his suppliers.

A witness at Memphis[258] makes shipments averaging about 200 pounds each to Birmingham, Mobile, Montgomery, Atlanta and Columbus, Ga. His principal interest is to Montgomery and Columbus. He uses the motor carrier services of Bowman, Herrin, Gordons, Ryder, West, and Jack Cole. Transit time is important as well as consistency of service. He has used the direct service of

Bowman to Columbus and that service was not satisfactory. This witness testified in support of Bowman in a previous application and at that time stated that Herrin's service was unsatisfactory. He now supports Herrin and has changed his mind concerning Herrin's service.

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[257] Witness No. 469.

[258] Witness No. 690.

A witness at Petersburg, Va.[259] makes small shipments of lens blanks, spectacle frames, and optical instruments to points in Arkansas, Louisiana, Mississippi, Texas, Kansas, and Missouri. About 80 percent of the traffic moves by parcel post. He also uses Bowman and its connections. Roadway was used but this service was stopped due to failure of Roadway to make pickups prior to 5 p.m. closing time. He uses Johnson in single-line service to New Orleans. There is plenty of service available but he wants single-line service by certain carriers.

These witnesses want more carriers with single-line service for greater competition. There is a great deal of both single-line and joint-line service now available that the witnesses are either not aware of or have not used. The evidence does not warrant the grant of additional authority.

Chemicals, Chemical Products and Cleaning Compounds

Thirty-four shippers and receivers of chemicals, chemical products, and cleaning compounds testified with respect to their need for transportation services. They support nine of the applications. Bowman called 11 witnesses; Roadway called 7; Red Ball 4, Herrin and Deaton 3 each, Johnson and Jones 2 each, and Baggett and Strickland 1 each. Some witnesses supported more than one applicant.

Seven shippers at or near Atlanta[260] ship primarily in less-than-truckload quantities to points in Mississippi, Louisiana, Texas, and Alabama. They use Dixie, Jack Cole, ETMF, and others as origin carriers. They also use T.I.M.E., GFA, West, United, Deaton, Akers, Ryder, Campbell Sixty-Six, Bowman, Baggett, Red Ball, Transcon, Gordons, Johnson, Roadway, and REA to serve the many points to which they ship. The pickup

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[259] Witness No. 327.

[260] Witness Nos. 34, 102, 145, 186, 418 and 622.

service by Deaton and Ryder is considered slow by some, and Baggett has

occasional delays at its terminal. Transit time in many instances is believed to be too long. There is no shortage of joint-line service, but a single-line service is desired if possible, although some of the witnesses are using joint-line service when single-line is available.

A witness at Plaquemine, La.,[261] receives from 1,500 to 2,500 inbound shipments annually. He ships outbound from 2,000 to 3,000 shipments, with a total weight of 8 to 12 million pounds. He is interested in shipments to and from points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia and Wisconsin. Air, rail, motor, and water carriers are used for both inbound and outbound shipments. He uses Herrin, Red Ball, Gordons, Copperstate, Saia, and Ryder as origin and delivering carriers at Plaquemine. He voices some dissatisfaction with all of these carriers. In shipping such a large volume of freight between so many points, he uses all carriers available. Joint-line service is all that is available in many instances. Single-line service is always preferred. Time in transit is important and a consistent service is necessary in order to meet schedules. Inbound goods must be received on time in order to maintain steady production. More service is desired.

Two shippers at Birmingham[262] ship to points in Arkansas, Louisiana, Mississippi and Texas. Campbell Sixty-Six is used

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[261] Witness No. 224.

[262] Witness Nos. 82 and 663.

to Greenwood, Greenville, and Cleveland, Miss. West is used to New Orleans and other Louisiana points. Baggett is used to Mississippi points. To Texas, they use ETMF, Ryder, Transcon, and Mercury Freight. They have had some difficulty with pickup service by Ryder and Campbell Sixty-Six, and desire a faster service. There are plenty of carrier services available, some of which they have not tried.

A witness at Wayne, N. J.,[263] ships from plants and/or warehouses at Princeton, Boundbrook, and Linden, N. J., Pearl River, N. Y., South Norwalk and Wallingford, Conn., and Springfield, Mass., to a warehouse in Dallas. About 8,000,000 pounds of traffic moves mostly in truckload quantities each year. He uses rail, freight

forwarders, seatrain and sealand service, and motor common carriers. Johnson can serve all of the origins. Other motor carriers that have been used are Bowman, Strickland, Roadway, and Akers. Other joint-line motor carrier services are available. During the past year he has used sealand service in preference to some motor carriers because the transit time, which is about nine days, is comparable and the sealand rates are lower. He wants a four-day transit time on volume shipments from New England to Dallas.

A witness at Cincinnati, Ohio,[264] with plants at Springdale and Blytheville, Ark., receives at Springdale shipments from Atlanta and Birmingham shipments of about 200,000 pounds in truckloads and from 2,000 to 4,000 pounds of less-than-truckload freight. He uses rail as well as Gordons and Jones. He considers present transit time too slow. He supports the proposed single-line services from Birmingham and Atlanta.

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[263] Witness No. 172.

[264] Witness No. 130.

Two witnesses at Mobile[265] ship in less-than-truckload quantities to Lake Charles, New Orleans, and Baton Rouge, La., and Port Arthur, Houston, Galveston, and Corpus Christi, Tex. Red Ball is used to Baton Rouge and Port Arthur, Baggett to New Orleans, Mercury Freight to Houston, and Red Ball/Ryder to Lake Charles. There also is a good deal of joint-line service available, but they prefer single-line service. They complain of late pickups and deliveries, and believe that more carriers will improve the service.

Two witnesses[266] who ship from Baton Rouge and Belle Chase, La. (New Orleans commercial zone), have a need for motor carrier service to points in Alabama, Georgia, Pennsylvania, Maryland, North Carolina, South Carolina, Tennessee, Ohio, and West Hill, Ontario, Canada. About 20 truckloads a year move by Gordon/Ellis/Intercity through Chicago and Detroit to Canada. Other service is available but has not been tried. Herrin is used to Alabama and Georgia. To points in the Eastern United States, Red Ball, Campbell Sixty-Six and Gordons and their connections are used. From Baton Rouge about 45 million pounds annually is shipped to points throughout the United States. This witness believes that the more competition there is between carriers the better the service.

- 143 -

Two shippers at Miami, Fla.[267] ship in less-than-truckload quantities to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, and Texas. Virtually all of the traffic originates with Bowman and routing beyond Bowman is left up to the carrier. Some of these connecting carriers have been

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[265] Witness Nos. 4 and 912.

[266] Witness Nos. 393 and 443.

[267] Witness Nos. 782 and 807.

T.I.M.E., Transcon, and Gordons. Ryder also offers some single-line service which has not been tried. They want a fast, single-line service to all points.

A receiver at Mobile[268] receives about 10 to 12 shipments per month from the New Orleans area, consisting of approximately 4 truckloads and 6 to 8 less-than-truckload shipments, averaging 2,000 pounds per shipment. The company performs private carriage on about half of the truckload traffic moving from New Orleans to Mobile. It has used such carriers as Johnson, Baggett, and West, and has had some difficulty with most of this service. It wants an overnight service.

The witness at Charlotte, N. C.,[269] is interested in both truckload and less-than-truckload shipments received at its branches at Baton Rouge and Jackson, Miss. This traffic originates in New England, the East Coast, the Carolinas, and Georgia. He uses such carriers as Dixie, Red Ball, Associated, Ryder, Viking, McLean, and West. He complains of slow service and poor claims settlements, and desires a direct single-line service to eliminate these difficulties.

Three shippers at Dallas[270] ship in less-than-truckload quantities to points in Alabama, Georgia, Florida, and Mississippi. To Alabama and Georgia points, such carriers as Red Ball, Gordons, Jones, Transcon, and ETMF are used. Herrin and Mercury Freight are used as origin carriers to serve points in Florida. On shipments to Mississippi the shipper uses Red Ball and its connections. On shipments from New Orleans to Greenville, Miss., Campbell Sixty-Six is used. On movements from Atlanta to Dallas, ETMF and Roadway are being used. These three witnesses all complain that the transit time is too long

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[268] Witness No. 3.

[269] Witness No. 39.

[270] Witness Nos. 221, 318 and 435.

and they prefer single-line service, although they have not used some of the single-line service that is now available.

- 144 -

A witness at Cincinnati, Ohio,[271] receives about 3,000,000 pounds per year in truckloads from Mobile. In 1965, he made 19 shipments, weighing 371,000 pounds to Baton Rouge. Shipments to Baton Rouge move primarily by rail and joint-line motor carrier service. He uses Ellis, Roadway, Viking, and A&H as origin carriers, with Gordons, Ryder, Red Ball, and Saia as delivering carriers. From Mobile he uses Jack Cole and Campbell Sixty-Six as origin carriers for interchange with A&H. He wants a more consistent service with more carriers for more competition.

Two witnesses at Greenville and Mauldin, S. C.[272] ship each month approximately 160,000 pounds to Mobile, 80,000 pounds to Pensacola, 40,000 pounds to Mississippi points, 120,000 pounds to Louisiana and 175,000 pounds to Texas points. Both operate as private carriers, one transporting about 50 percent of this traffic on its own equipment, and the other about 85 percent. They use common carriers for overflow freight. For common carriers they use Johnson, Bowman, Floyd & Beasley, Roadway, Ryder, Thurston, Akers and piggyback. One, supporting Johnson and Bowman, complains that Roadway will not provide protection from freezing during the winter months. The other, supporting Roadway, has had difficulties with Johnson (whom his predecessor supported) on delays in transit, missed shipments, and dirty equipment. Johnson can provide a lot of single-line service he is still using them "as a matter of convenience." This witness has had some problems with Ryder on claims. More single-line service is desired.

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[271] Witness No. 42.

[272] Witness Nos. 210 and 870.

Two witnesses at Baton Rouge[273] make both truckload and less-than-truckload shipments. They receive shipments from points in Connecticut, Delaware, Maine, New Jersey, New York, Pennsylvania and Rhode Island. Outbound shipments are made from Baton Rouge and Orangeburg, S. C., to points in the above States as well as Louisiana, Maryland, Massachusetts, Virginia and Texas. From Baton Rouge, Saia or Copperstate is used to New Orleans for interchange with Johnson. The shipper also uses Herrin and Red Ball to Memphis for interchange at that point with their connecting carriers. From Orangeburg to Texas they use Huckabee, Deaton and Herrin. To Baton Rouge, Huckabee, Deaton and Poplarville Truck Line are used. Akers provides a joint-line service with its connecting carriers which is reasonably satisfactory, but they want single-line service. They have not used the Ryder/Harris service from northeastern United States, nor many of the other services available.

- 145 -

Two shippers at Kansas City, Mo.,[274] ship over 2,000,000 pounds a year in truckload and less-than-truckload quantities to points in Tennessee, Alabama, Georgia and Florida. The bulk of the traffic goes to Florida points. Shipments originate in Kansas City by Campbell Sixty-Six, Watson-Wilson, Gordons, T.I.M.E. and Roadway. Delivery carriers in Florida are Howard Hall, Tamiami, Terminal Transport, Bowman, Central and RC; in Tennessee, Watson-Wilson and Gordons are used; in Alabama they use Gordons; and in Georgia they use Roadway. A faster service to Florida points is desired, such as is proposed by Bowman.

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[273] Witness Nos. 109 and 599.

[274] Witness Nos. 692 and 719.

A shipper at Sevierville, Tenn.[275] (30 miles southeast of Knoxville), is interested primarily in shipments to New Orleans. Skyline Transportation and Knoxville-Maryville Express are used as origin carriers to Knoxville where the shipments are interlined with Ryder for delivery at New Orleans. Other joint-line service is available from Knoxville. Present service is slow and it believes that the proposed service of Roadway would be an improvement.

A shipper at Nashua, N. H.,[276] is interested primarily in service to points in Louisiana. A local carrier is used from Nashua to Boston where the traffic is interlined. It has been using Strickland, but is dissatisfied with this service because it interlines the freight at New Orleans. It was not aware of the Johnson service into the Louisiana area. It prefers single-line service over joint-line service and supports Roadway in the hope that it will serve all his Louisiana points direct.

A witness at Charlotte, N. C.,[277] is presently shipping from 1,000 to 2,000 pounds weekly to each point of Hattiesburg, Laurel, Jackson and Meridian, Miss. He is interested in developing traffic to points in Louisiana and Texas. He uses Bowman to Memphis for interline with connecting carriers into Mississippi. He has experienced trouble in tracing these shipments. He has not used Johnson as the origin carrier for interline at New Orleans, nor investigated other available services, but supports Bowman and Johnson in an effort to obtain better service.

- 146 -

A witness at Jeffersonville, Ind.,[278] is presently shipping a total of 10,000,000 pounds a year to Columbus, Greenville,

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[275] Witness No. 267.

[276] Witness No. 454.

[277] Witness No. 658.

[278] Witness No. 899.

Hattiesburg, Jackson, Laurel, Vicksburg, Meridian and Greenwood, Miss., and Baton Rouge, La. His company is building a new plant at LaGrange, Ga., and in the future this plant will be used to supply these points. Dixie/Jack Cole, Roadway and GHE can serve the new plant. There are a number of joint-line services available, but the witness desires the proposed service of Bowman which would meet his needs.

There is considerable competition among joint-line carriers to serve these shippers. There were complaints of slow service, poor pickups, some damage to the merchandise, and also difficulties in tracing. Some shippers, however, are using two and three-line service where one and two-line is available. There is also motor carrier service available that has not been tried. A desire for more carriers to stimulate greater competition among carriers does not warrant a grant of more authority.

Paper and Paper Products

Thirty-three witnesses supporting nine of the applications testified with respect to their need for transportation services for the movement of paper and paper products. Red Ball called 8 witnesses, Bowman called 6, Stickland and Johnson 5 each, Jones called 3, Herrin and Roadway 2 each, and Deaton and Baggett 1 each. Fourteen of the witnesses supported more than one applicant.

A shipper at Birmingham[279] ships envelopes to Chicago and points in Louisiana, Mississippi, Texas, Missouri, Oklahoma, and Arkansas. The average shipment weighs about 1,200 pounds. To Chicago it uses Gordons and Terminal Transport. West is used to New Orleans and Mississippi points. For other points it uses Ryder, ETMF, Gordons, Transcon and Campbell Sixty-Six. Service by Campbell Sixty-Six to Little Rock is

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[279] Witness No. 86.

limited to Mondays, Wednesdays and Fridays. Other motor carrier services are available which have not been used.

A sales representative at Metairie, La.,[280] ships cartons from Birmingham to New Orleans, Houston, Beaumont and Orange, Tex. Deaton is used from Birmingham to New Orleans with Herrin and Ryder from New Orleans to Texas points. About two truckloads move each month and several less-than-truckload shipments. He wants faster service but has no knowledge of existing services.

- 147 -

A manufacturer of paper and paper products at Mobile[281] testified concerning transportation, insofar as here pertinent, from Mobile, Georgetown, S. C., Moss Point, Miss., Bastrop and Springhill, La., and Camden and Pine Bluff, Ark., to the proposed points, as well as those presently authorized to Johnson and Bowman. A large volume of traffic moves in both truckload and less-than-truckload quantities. From Georgetown it uses Bowman and Johnson as well as others. From Mobile it uses Mercury Freight and Red Ball; also the joint-line services of others including West. From Moss Point it uses Johnson and Red Ball and joint-line services of others including West and Wilkerson. The plant at Bastrop, which is 25 miles north of Monroe, uses Red Ball and Burks as origin carriers with their connecting carriers. From Springhill it uses piggyback mostly, but also Strickland and Red Ball and connecting services. From Camden it uses ABF, Southwestern, Herrin, Atlas, and connecting carriers. From Pine Bluff it uses ABF, Southwestern, Superior Forwarding, Red Line and connecting carriers. Many other carrier services are also available which have not been used. It complains about slow transit time and occasionally a shortage of equipment when requested on short notice.

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[280] Witness No. 544.

[281] Witness No. 207.

Nine shippers and receivers at Atlanta, Dallas and Grand Prairie, Tex., and Jackson, Miss.,[282] ship or receive over 20 million pounds annually in truckload and less-than-truckload quantities. They ship primarily from Atlanta to Dallas, Houston, Beaumont, Orange and Waco, Tex., Jackson, Forest, Greenville, Pascagoula, Clarksdale, Meridian, Grenada, Tupelo, McComb, Laurel and Natchez, Miss., Little Rock, El Dorado, Pine Bluff and Magnolia, Ark., Birmingham and points in Louisiana. United/Mercury Freight, Transcon and Gordons are used from Atlanta to Houston and Dallas. ETMF is also used to Texas points. To Louisiana points they use Deaton, Dixie and Johnson direct to New Orleans and Deaton/Herrin to Alexandria. Ryder is also used to Louisiana points. Transcon is used to Memphis with interline carriers to Little Rock and ETMF is also used to Arkansas points. Dixie is used to Jackson and Gordons to Greenville. Johnson, Dixie, Bowman, Deaton, GFA, Campbell Sixty-Six, West and Ryder are also used to Mississippi points. The receiver at Jackson receives about 65 less-than-truckload

shipments per month from scattered points in the eastern United States. Such carriers as Johnson, ETMF, T.I.M.E., Viking, Dixie Ohio, M&D, and Universal Carloading are available. It uses Red Rall on interchange at Dallas, Deaton and Dixie from Atlanta, West from Birmingham and Ryder from Nashville. The shipper at Grand Prairie (Dallas commercial zone) has about 100 shipments a month weighing from 30 to 1,000 pounds each moving to Jackson and Greenville. It uses Red Ball and Braswell and leaves it up to Red Ball to select the connecting carrier. These witnesses have experienced a shortage of equipment on occasion but the main complaint is slow transit time. A lot of service is available but they would like more of it to be single line.

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[282] Witness Nos. 1, 16, 32, 66, 84, 168, 201, 248, and 376.

Two witnesses[283] who ship in truckload and less-than-truckload quantities from Atlanta, Savannah, Stone Mountain and Augusta, Ga., to points in Arkansas, Louisiana, Mississippi, Texas, Oklahoma and Missouri use Bowman as origin carrier at Savannah for interchange with Mercury, Gordons, Jones, Red Line and Watson-Wilson. Roadway is used to Texas and Oklahoma. Herrin is used to Louisiana, Arkansas and Texas points. Other carriers used from and to the above points and Brown, Johnson, Ryder, Howard Hall, McLean, Jack Cole, Youngblood and Transcon. Some difficulty has been encountered at Savannah in obtaining equipment from Roadway. Present service is adequate but more single-line service is desired.

A witness at Mobile[284] shipped during April 1966, 500,000 pounds to Houston, 400,000 pounds to Dallas, 175,000 pounds to Fort Worth, and 220,000 pounds to Mineral Wells, Tex., in truckload quantities. Private carriage is used to Dallas, Fort Worth and Mineral Springs. Mercury and West/Herrin have been used to Houston. He wants overnight service to Houston. On certain shipments tendered Mercury the service was third and fifth morning. West/Herrin provided second day service. He prefers single- to joint-line service.

A receiver at Union Springs, Ala.[285] receives about one truckload a week usually from Decatur, Ga. It did receive one truckload from Dallas by Gordons/A-OK, which took too long. Baggett is the only carrier with a terminal in Union Springs. ETMF also serves Dallas and could interchange with Baggett. It is expected that

[283] Witness Nos. 26 and 873.

[284] Witness No. 208.

[285] Witness No. 164.

more traffic will come from Dallas in the future and the witness proposes to try any service that may be available.

A witness at El Dorado, Ark.[286] has shipments at least once a week to Greenville, Miss., with an average weight of 100 to 300 pounds. He also makes less-than-truckload shipments to Atlanta, Birmingham and other points which could be interchanged at Atlanta. He uses Herrin and Red Ball with open routing, but prefers single-line service.

A shipper at Nashua, N. H.[287] ships approximately 1,200,000 pounds each year in less-than-truckload quantities, to points in Louisiana, Mississippi and Texas. It uses pool trucks, pool cars, air freight as well as motor common carriers. To Boston it uses Nashua Motor Express for interchange with other carriers. From Boston it uses Strickland, Roadway, Johnson and Consolidated. Strickland and Roadway serve many of the points Johnson seeks to serve. Roadway has refused shipments because it lacked equipment. Many motor carrier services available provide a 2- and 3-line service.

Two witnesses at Crossett, Ark.[288] ship a large volume of freight, mostly in truckload quantities to points in Alabama, Florida, Georgia, the Carolinas, eastern Tennessee and San Antonio, Tex. During a representative 3-month period of June, July and August 1966, the shipper had 37 truckloads to Birmingham or Atlanta, or through those gateways to other southeastern points. ABF, Red Ball and Red Line maintain terminals at Crossett. These origin carriers interchange with connecting carriers to serve this area. About 12 truckloads a month are received inbound from Birmingham, Atlanta and Savannah. In addition to supporting Strickland it also supports Jones to

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[286] Witness No. 799.

[287] Witness No. 885.

[288] Witness Nos. 410 and 557.

Chicago, Atlanta and Birmingham, and Bowman to Florida points. At the present time it is using private carriage to Florida. It wants more direct single-line service.

A witness at Little Rock[289] has traffic moving between Dallas and Atlanta and estimates the tonnage from 5,000 to 20,000 pounds in both directions monthly. From Dallas to southern Arkansas points he ships about 90,000 pounds per month. From Atlanta to these Arkansas points, from 1,000 to 15,000 pounds per month.

He uses Johnson from Atlanta to Louisiana points and Ryder, Transcon, T.I.M.E., Gordons and ETMF to points in Arkansas. From Dallas to Arkansas he uses Jones, ETMF, Mercury, Roadway and Red Ball. He has complained about poor service from ETMF and Red Ball. He believes that the Johnson, Bowman and Jones proposals would be a big improvement over the present service.

A shipper and receiver at Kalamazoo, Mich.[290] is principally interested in inbound movements from Brewton, Ala., and outbound shipments to New Orleans. The inbound movement of one million pounds per month is mostly by rail. Outbound it has about 60,000 pounds annually in less-than-truckload shipments. It uses the services of Caton, Terminal Transport, Jack Cole, Gordons and Cleman's Truck Line. This has been a reasonably adequate service. The present joint-line motor carrier service from Brewton is performed at class rates which are too expensive. Roadway has a terminal in Kalamazoo and if it were to receive authority from Brewton and put in commodity rates, and provide a 3-day service it would use them. With class

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[289] Witness No. 464.

[290] Witness No. 872.

rates however Roadway would only be used on emergency shipments. It wants single-line service but has used 3-line haul from Brewton even though 2-line service was available.

Two shippers at Dallas and Wolfe City, Tex.[291] ship about 9,000 pounds a week to Atlanta, Birmingham, Greenville, Miss., and points in Florida and the Carolinas. Three shipments a year are made from Dallas to Greenville, each weighing 86 pounds. Service to Greenville is unsatisfactory because of poor pickup by Jones. Dallas shipments to Birmingham and Atlanta have been satisfactorily made by Transcon and ETMF. Loading facilities at the dock in Dallas are crowded and that shipper wants one carrier to originate all shipments and divide the traffic between the four supported applicants. Red Ball is the only carrier serving Wolfe City so it selects the connecting carrier.

A witness at Kansas City, Mo.[292] ships a total of about 16,000 pounds a month to Atlanta, Birmingham and Greenville, Miss. Gordons and Campbell Sixty-Six provide single-line service to Birmingham and T.I.M.E. and Gordons give single-line service to Atlanta. Red Ball is also used. He requires clean, waterproof equipment and has complained about dirty equipment furnished by Gordons and T.I.M.E. He does not use the single-line service of Watson-Wilson because of an argument over freight rate classification.

- 151 -

Two receivers at Houston[293] receive less-than-truckload shipments from Atlanta and Columbus, Ga., and Mobile. Some drop shipments are made to points in Arkansas and Louisiana. From Atlanta they use Bowman/Herrin and Jack Cole/Red Ball with

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[291] Witness Nos. 228 and 310.

[292] Witness No. 693.

[293] Witness Nos. 412 and 523.

Herrin and Red Ball making drop shipments to Louisiana points. They also use Roadway single-line service. From Mobile they use West/Herrin over New Orleans and Mercury Freight direct. They want Red Ball and Herrin to be able to provide a single-line service with dropoffs to Louisiana points.

A shipper at West Monroe, La.[294] shipped approximately 260 million pounds by motor carrier in 1965 to all points in the United States. It is interested here primarily in shipments to points in Alabama, Georgia, Florida, Carolinas, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey and New York. It uses Ryder, Red Ball and Braswell as origin carriers. Herrin is also available but because of "strained relations" is not using that carrier. It complains about the poor pickup service by Ryder and that it does not make pickups 24 hours a day. It also complains that its motor carrier service has not been consistent and it has had frequent tracing problems. Ryder has promised to improve its service. Some of the connecting carriers used are Strickland, Roadway, T.I.M.E., McLean, Mason & Dixon, Akers, Consolidated, ET&WNC, Overnite, West, ETMF and Jack Cole. It desires more carriers with single-line service.

A witness at Dallas[295] receives approximately 5,000 pounds per month from Atlanta. The average weight per shipment is 815 pounds. He uses United/Mercury Freight as a better service than the single-line service of Gordons, ETMF and Transcon. He complains that shipments are delayed by Roadway at Dallas because of congested terminal conditions.

A witness at Springfield, Mo.[296] moves about 30 shipments a week averaging 200 pounds each. He ships to points in Ala-

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[294] Witness No. 466.

[295] Witness No. 485.

[296] Witness No. 726.

bama, Tennessee, Florida, Georgia and the Carolinas, using such carriers as T.I.M.E., Jones, Roadway, Campbell Sixty-Six and REA as origin carriers with Ryder, AAA, Robinson, Central, Brown and McLean as delivering carriers in the instances where single-line service is not available. He considers present motor carrier service too slow.

- 152 -

A witness at Baton Rouge[297] receives weekly shipments from New York, New Jersey, Ohio, Indiana and Illinois. These shipments vary from 100 to 1,000 pounds each and total approximately 4,000 pounds per month. He uses Universal Carloading, Gordons, Saia, Ryder and Viking. He will use Roadway's single-line authority if granted. He considers the present joint-line service too slow.

A witness at Cantonment, Fla.[298] (Pensacola commercial zone), ships about 350,000 tons a year and uses rail, piggyback and motor carrier. He is primarily interested herein in shipments to Crossett, Ark., Kansas City and Springfield, Mo., Garland, Longview, Port Arthur and Texarkana, Tex., Jackson, Meridian and Columbus, Miss. In 1966 he shipped by motor carrier approximately 100,000 pounds to the above points. The motor carrier services of Herrin, Mercury, Southwestern, Red Ball, Alamo Express, Cooper and West are used. The two-line service now available is satisfactory but he wants additional carriers with fewer interchanges.

The witness at Jasper, Tex.[299] ships to Atlanta, Birmingham and Greenville, Miss. Outbound shipments vary in weight from 100 to 3,000 pounds and inbound shipments average 250 pounds and are received about twice a month from Atlanta.

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[297] Witness No. 470.

[298] Witness No. 754.

[299] Witness No. 805.

Outbound shipments are routed Red Ball with routing beyond left open. On inbound shipments the origin carrier is left up to the supplier, but the shipper specifies Red Ball as the delivering carrier. The witness considers the present service too slow and wants Red Ball's proposed single-line service.

The witnesses complain primarily about slow service and blame it on delays caused by interchange which also increases damage to the merchandise as well as tracing difficulties. Some complain about poor pickup service especially on small sporadic shipments. They all want more direct single-line service. There is adequate joint-line service now available. The evidence does not warrant the grant of additional authority.

Light and Bulky Articles

Sixteen witnesses testified concerning their need for the transportation of light and bulky articles. They supported seven of the applications. Herrin and Jones

called 4 witnesses each, Bowman called 3, Johnson called 2, and Red Ball, Strickland and Deaton called 1 each. Bowman was also supported by two witnesses and Jones and Johnson by 1 each.

Five witnesses from Houston, Arlington and Itasca, Tex.[300] ship in less-than-truckload quantities to points in Alabama, Arkansas, Florida, Georgia, Mississippi and South Carolina. From Houston Herrin, ETMF, Roadway, Ryder and Mercury Freight are used as origin carriers and sometimes Strickland. Two or three years ago Ryder requested one shipper to use other carriers for this freight and difficulty has been experienced in

[300] Witness Nos. 313, 364, 487, 517 and 526.

getting pickups by Roadway. Delivering carriers include Johnson and Gordons. Red Ball is used to Jackson and Mercury/United to Atlanta. From Arlington the shipper uses such carriers as Transcon, Roadway, Herrin, Red Ball, Strickland and ETMF. From Itasca it uses Red Ball and Central Freight Lines. These shippers desire single-line service but in many instances they are not now using single-line service which is available. They have had some difficulty with claims and pickup. Generally they want a faster service.

Two witnesses from Aiken, S. C.[301] ship outdoor flourescent lighting fixtures and supplies in less-than-truckload quantities to points in Arkansas, Louisiana, Missouri and Texas. Present carriers used are Yellow Transit (formerly Watson-Wilson), Southeastern, Overnite, Bowman, Huckabee and ETMF (at Atlanta). The shipper stopped using Red Ball because of poor public relations. Bowman service has been fair. Johnson does not always make daily pickups. The shipper prefers single-line service as proposed by Bowman because the merchandise is fragile and subject to damage with handling.

One of two witnesses at New Orleans[302] ships steel doors and frames to Columbus, Montgomery, Birmingham, Jackson, Atlanta and Mobile, and the other receives electrical supplies from Atlanta. All shipments are less-than-truckload. They use the services of Herrin, Ryder, Red Ball, Baggett, Johnson and Deaton. Dixie has refused to handle some of its shipments because the door frames are so easily damaged. The witness prefers not to use Johnson out of Atlanta because of poor delivery time and poor claims handling, and was not satisfied with the occasional use of Ryder.

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[301] Witness Nos. 893 and 894.

[302] Witness Nos. 144 and 572.

A witness at Atlanta[303] ships lighting fixtures in less-than-truckload quantities about twice a week to Baton Rouge and once a week to Monroe, La. He uses Ryder, Baggett, Jack Cole and Johnson. He does not know if these carriers are providing him with single-line service or not. He prefers to limit the number of carriers serving his plant because of limited loading facilities.

A shipper at Emigsville, Pa.[304] (York, Pa. commercial zone), ships Christmas ornaments and decorations in less-than-truckload quantities weighing 200 to 600 pounds. The heavy shipping season is in the fall. Annually it ships 75,000 pounds to Mississippi, 150,000 pounds to Louisiana, and 1,110,000 pounds to Texas. It is using Acme Fast Freight, T.I.M.E., Mercury Motor Freight, Yellow Transit and Akers. It has been unable to get Roadway and Consolidated to make pickups. It has started using Johnson and is able to obtain equipment from them. The commodity is light and bulky and considerable undesirable freight. It has not tried some of the services available.

A witness at Monroe, La.[305] receives light fixtures in less-than-truckload quantities from points in New York, Pennsylvania and Massachusetts. It uses Acme Fast Freight, Braswell, Herrin, Jack Cole, Red Line, Ryder, Roadway, T.I.M.E. and others. He complains of slow transit time but tells his suppliers to route the traffic and they have never used Johnson or Bowman, the applicants he supports. He knows of the Ryder/Harris single-line service from many of the points at which its shipments originate but has never requested that service.

A shipper at El Dorado, Ark.[306] ships incandescent lighting fixtures in less-than-truckload quantities to points in Oklahoma,

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[303] Witness No. 579.

[304] Witness No. 913.

[305] Witness No. 586.

[306] Witness No. 678.

Missouri, Alabama, Georgia and Texas. ABF gives direct service to Kansas City but is not used because of customer complaints and it therefore uses Atlas/Campbell Sixty-Six. It uses Red Ball who has a terminal in El Dorado to Dallas; Atlas/Transcon to Oklahoma and Herrin to Memphis for interline with connecting carriers. Bus service is used on about a third of the shipments. Transit time is important and it prefers single-line service because it affords better tracing.

- 155 -

A shipper at Birmingham[307] ships in truckload and less-than-truckload quantities to points in Alabama, Arkansas, Florida, Illinois, Kansas, Louisiana, Missouri, Mississippi, Oklahoma, Tennessee and Texas. It uses Campbell Sixty-Six to points in Tennessee, Mississippi, Arkansas and Kansas; Deaton to Louisiana and Mississippi; ETMF to Texas, Arkansas and Tennessee; Campbell Sixty-Six and Ryder to Missouri; and Mercury Freight to Texas. It complains about slow transit time and poor pickup with respect to Gordons, Transcon, Jack Cole and Ryder. Mercury Freight service was excellent until recently when pickup difficulties have developed. Bowman's pickup service has been good.

A shipper at Wichita, Kans.[308] in 1966 shipped approximately 150,000 pounds to Atlanta, Birmingham and Florida points. It uses Transcon and Yellow Transit as origin carriers. It has not used Jones as an origin carrier in Wichita for interline into Georgia and Florida within the last couple of years. The commodity is double wall vent pipe and heating and air conditioning ducts which are very light and 12,000 pounds fills a 40-foot trailer. It is considered undesirable freight.

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[307] Witness No. 617.

[308] Witness No. 724.

A shipper at Siloam Springs, Ark.[309] shipped in 1966, 175,000 pounds into Alabama and Georgia. It expects to ship 350,000 pounds into these two States in 1967. The commodity is plastic pipe and fittings and 7,000 pounds will fill a road trailer. It has used ABF, Jones, Campbell Sixty-Six, Rubel Transfer and Gordons in single- and joint-line service. It complains of slow transit time, poor pickup, and difficulty in obtaining equipment. It supports Jones for more single-line service.

These witnesses have what is usually considered undesirable freight. It is light and bulky and easily damaged. Carriers seem reluctant to pick it up. There is a great deal of motor carrier service available and a grant of more authority will not solve their problems other than that single-line service might result in less handling of the merchandise and less damage.

Others

Certain other witnesses testified in this proceeding with respect to their interest in these applications and their concern for transportation.

- 156 -

Two witnesses at Tyler, Tex.[310] ship well over 5 million pounds of rose bushes annually to points in the United States. They are primarily interested in shipments to Birmingham, Atlanta and Greenville, Miss., and in March 1966 one of these shipped 2,403 pounds to these three points. The transportation of rose bushes is exempt except when moving with commodities which require authority. Red Ball is being used exclusively as the origin carrier with routing beyond left open. Roadway, ETMF, and Southwestern also serve Tyler but have

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309 Witness No. 776.

310 Witness Nos. 311 and 708.

not been used recently because of limited dock space. Red Ball can serve more points direct than any other line and is, therefore, being supported for more single-line authority.

Two witnesses at Gravette, Ark.[311] ship black walnut kernels and soft abrasive grit from Gravette and Stockton, Mo., to points in Alabama, Georgia, Tennessee, and Florida. In 1966 they had 65 shipments into Alabama with about half to the Birmingham commercial zone; 48 shipments into Georgia with about half moving to Atlanta or its commercial zone; 49 shipments to Tennessee; and 24 shipments to Florida. These shipments average 500 pounds each. Out of Stockton they use Humansville or Manley to Springfield, interlining with T.I.M.E. to Atlanta and Campbell Sixty-Six to Birmingham. Out of Gravette they use Jones and Campbell Sixty-Six. They receive approximately 125,000 paper bags annually from Mobile. They complain of slow transit time and support Jones and Bowman in an effort to obtain more single and two-line service.

Six witnesses representing the Atlanta Freight Bureau, the Greenville Port Commission and Chamber of Commerce, the Dallas Chamber of Commerce, the Texarkana Chamber of Commerce, the Lake Charles Harbor and Terminal District, and the Greater El Dorado Committee,[312] testified and submitted statistics to show that the industry and facilities in their areas are growing and consequently will need relatively improved motor carrier service.

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[311] Witness Nos. 711 and 744.

[312] Witness Nos. 20, 73, 242, 329, 509 and 679.

APPENDIX D

Protestants

Table of Contents

No.		Page
1.	Holloway Motor Express, Inc.	1-2
2.	Consolidated Freightways Corp. of Del.	2-3
3.	Illinois-California Express, Inc.	3-4
4.	Southwestern Transportation Company	4
5.	Alamo Express, Inc.	5
6.	Central Freight Lines, Inc.	5-6
7.	Red Arrow Freight Lines, Inc.	6
8.	Eagle Motor Lines, Inc.	6-7
9.	T.I.M.E. Freight, Inc.	7-10
10.	Arkansas-Best Freight System, Inc.	10-12
11.	Watson-Wilson Transportation System, Inc.	12-13
12.	Trans-Cold Express, Inc.	14-15
13.	Missouri Pacific Railroad Company	15-16
	The Texas & Pacific Railway Company	
	Missouri Pacific Truck Lines, Inc.	
	The Texas & Pacific Motor Transport Co.	
14.	Red Line Transfer & Storage Company, Inc.	16-17
15.	A. & H. Truck Line, Inc.	17
16.	Viking Freight Company	18-19
17.	Gordons Transports, Inc.	19-23

No.		Page
18.	Mercury Motors Incorporated	23-24
19.	Mercury Motor Express, Inc.	24
20.	Carolina Freight Carriers Corporation	24-25
21.	Akers Motor Lines, Inc.	25
22.	M. R. & R. Trucking Company	25-26
23.	Mercury Freight Lines, Inc.	26-28
24.	Howard Hall Company, Inc.	28-29
25.	West Brothers, Inc.	29-30
26.	Deaton, Inc.	30-31
27.	Floyd & Beasley Transfer Company, Inc.	31
28.	Baggett Transportation Company	31-32
29.	Georgia-Florida-Alabama Transportation Co., Inc.	32-33
30.	Pilot Freight Carriers, Inc.	33-34
31.	The Mason and Dixon Lines Incorporated	34
32.	Georgia Highway Express, Inc.	35
33.	Campbell Sixty-Six Express, Inc.	35-36
24.	Jack Cole Company	36-38
	Dixie Highway Express, Inc.	
35.	Brown Transport Corp.	38
36.	East Texas Motor Freight Lines, Inc.	38-40
37.	Transcon Lines	40-43
38.	Roadway Express, Inc.	44-45
39.	Herrin Transportation Company	45-46
40.	ET&WNC Transportation Company	46-48
41.	United Motor Freight Terminal, Inc.	48-49

No. Page

42. Red Ball Motor Freight, Inc. 49-50

43. Ryder Truck Lines, Inc. 50-56

44. Braswell Motor Freight Lines, Inc. 56-59

APPENDIX D

Protestants

Of the 60 protestants remaining in this proceeding for which appearances were entered, evidence was presented on behalf of 48 of them through the testimony of 62 witnesses and numerous exhibits. This is summarized as follows.

Holloway Motor Express, Inc. (Holloway)—Gadsden, Ala. **Protest:**—The Bowman application insofar as it seeks authority for the transportation of general commodities between Birmingham, Ala., on the east and Topeka, Kans., Kansas City, Kans.; and Kansas City, Mo., on the west.

Operations:—Insofar as this application is concerned Holloway is authorized to transport over irregular routes:

> Tires, tire fabrics, tire treads, and related items generally between Topeka, Kans., and points within 10 miles of Topeka, Kansas City, Kans., Kansas City, Mo., and points in Missouri within 10 miles of Kansas City, on the one hand, and, on the other, Birmingham, Decatur and Gadsden, Ala., Cedartown, Rockmart, Cartersville and Atlanta, Ga., and points within 10 miles of Atlanta, and Memphis, Tenn.; also
>
> Paper and printed forms from Topeka to Birmingham and Gadsden; also

Grain, grain products, grain byproducts, animal and poultry feeds and ingredients thereof, generally from points in Kansas and Missouri (except St. Louis and its commercial zone and certain other areas) and from Alton, Ill., to points in Alabama north of a line extending along U. S. Highway 84 from the Mississippi-Alabama State line to junction U. S. Highway 331 near Opp, Ala., thence along U. S. Highway 331 to junction U. S. Highway 80 at Montgomery, thence along U. S. Highway 80 to the Alabama-Georgia State line, and to points in Georgia north of U. S. Highway 80; also from Alton, Ill., to points in Tennessee; and from Vernona, Mo., to Knoxville, Tenn.

Interest:—Insofar as this protest is concerned, Holloway maintains terminals at Gadsden and Topeka. Its principal shipper is Goodyear Tire and Rubber Company and its road equipment (27 over-the-road tractors and 53 van trailers) were purchased especially to meet the needs of that shipper. In 1966 Holloway's operating revenue was $965,784 of which 71 percent was derived from the Goodyear account.

- 1 -

The traffic managers of the Goodyear mills at Cedartown, Rockmart and Cartersville, Ga., on Friday of each week give Holloway a schedule of pickups for the following week. At Gadsden pickup orders generally are placed in the afternoon prior to the requested pickup, but at times on much shorter notice. Holloway holds out second day service in both eastbound and westbound operations on truckload shipments. About 60 percent of the shipments are truckload. Less-than-truckload shipments are accumulated until 12,000 to 18,000 pounds are available for transportation. Holloway's shippers are aware of this practice and have made no objection to it.

Eastbound Holloway transports grain, grain products, feed, etc. The shippers of these products call in their requirements

to the Topeka office from which the trucks are dispatched. The major portion of the eastbound backhaul is of flour from Kansas points to wholesalers and bakeries in Georgia and Alabama. Availability of equipment for this eastbound freight is dependent upon the westbound Goodyear shipments. In 1966 Holloway transported 2,550 shipments westbound and 1,800 eastbound. Six of the eastbound shippers who account for approximately 22 truckload shipments per week, appeared on behalf of the Holloway protest to urge the necessity of having Holloway's service available to them for the satisfactory movement of their products. They are completely satisfied with the service Holloway affords and they know of no other single-line service available to meet their needs. A considerable amount of their freight is comprised of agricultural commodities for which no certificate is necessary.

The Goodyear witness who supported the Bowman application for service to Kansas City and Topeka found the Holloway service satisfactory, but was fearful of what might happen if there was a change in ownership of Holloway. He admitted that if the Bowman application were granted it is likely he would divert 50 percent of the freight from Holloway to Bowman. All of the westbound and a large portion of the eastbound traffic of Holloway would be subject to diversion with the grant of the Bowman application.

Consolidated Freightways Corp. of Delaware (Consolidated)—and as Operator of Southern-Plaza Express, Inc. (Southern Plaza)—Menlo Park, Calif.

Protest:—The Bowman application especially for service between the Southwest and eastern areas such as between Houston, Fort Worth, Dallas and Kansas City in the southwest area and Washington, Baltimore, Wilmington, Philadelphia, Newark, Paterson, South Plainfield and New York City in the eastern area and extending on into Connecticut and Massachusetts.

Operations:—The Consolidated system maintains terminals at all of the above points except Washington and also at other points in Pennsylvania, New York, Connecticut and Massachusetts which are affected by this application. It operates as a general commodity carrier from coast to coast. In 1966 its operating revenue was just under $178 million with an operating ratio of 91.3 percent.

Interest:—From its terminals in Texas, Oklahoma and at Fort Smith, Ark. (Southwest division), to its Atlantic division (which embraces its terminals in the New York City area, Philadelphia, Baltimore, Wilmington, Wilkes-Barre and York), Consolidated transported about 9.3 million pounds of freight during the first 4 months of 1967. Westbound from the Atlantic division to the Southwest division it transported 13.8 million pounds during the same period. Consolidated has established service standards for its operations. Between Houston, Dallas and Fort Worth, on the one hand, and, Baltimore, Wilmington, Philadelphia and the northern New Jersey points on the other, Consolidated holds out a five day service, and a six day service between those southwestern points and New York City or Washington, D. C. For the year 1966 however, its on time performance under those standards ranged from a low of 4.1 percent (Fort Smith to Newark) to a high of 58.9 percent (Philadelphia to Dallas). This protestant is fearful that a grant of the Bowman application may resul' in a diversion of this Southwest-Atlantic division freight which is important to its system operations.

Illinois-California Express, Inc. (ICX)—Denver, Colo.

Protest:—The Red Ball and Strickland Applications.

Operations:—ICX is a common carrier of general commodities operating over a network of routes which extend between Chicago, St. Louis and Dallas on the east and Los Angeles on the west, traversing and serving points in the States of Illinois,

Iowa, Nebraska, Colorado, Texas, New Mexico, Arizona and California. Its authority between Dallas and Amarillo substantially duplicates that of Strickland and Red Ball; its authority also duplicates that of Red Ball in certain areas of New Mexico and Colorado. It operates 242 road tractors, 1,003 road trailers, and 1,015 local units and service vehicles. It maintains 76 terminals and stations throughout its system.

Interest:—ICX offers overnight service on less-than-truckload freight between Dallas, on the one hand, and, on the other, its direct service points in Texas as far west as Amarillo and Lubbock, and second morning delivery

on direct service points in New Mexico and Colorado. It interlines freight at Dallas with ETMF, Mercury Freight, Gordons, Herrin, Transcon, Red Ball, Braswell, Jones, Roadway and Strickland. Its interline volume at Dallas with ETMF and Mercury Freight is sufficient to warrant operating through trailer service. ICX also has arrangements with ETMF and Akers for through service with joint rates to the Eastern Seaboard and southeastern territories served by Akers.

ICX solicits the freight of five shippers located at Littleton, Denver, Colorado Springs and Pueblo, Colo., and Amarillo, Tex., who support the Red Ball application, and participates in the transportation of a portion of it. Revenue from the freight it handles between the points and gateways it serves in Texas, Colorado and New Mexico and points and gateways in the South or Southeast which applicants seek authority to serve is important to ICX for the continued operation and maintenance of its service facilities. A new competitive single-line service by Red Ball and Strickland as here proposed in competition with ICX and its connections through the Dallas, Amarillo, and Chicago gateways may cause some diversion of this valuable traffic.

Southwestern Transportation Company (SW Transp.)—Texarkana, Tex.

Protest:—All applications.

Operations:—SW Transp., a railroad affiliated motor carrier, is authorized insofar as this proceeding is involved to transport general commodities over routes in the States of Texas, Arkansas, Tennessee and Missouri extending between Dallas, Fort Worth, Waco and Shreveport on the south to Memphis on the east and St. Louis on the north, serving intermediate points including such points as Little Rock, Magnolia, Camden, Fordyce, Pine Bluff, Jonesboro, and Blytheville, Ark., and Tyler, Corsicana, Greenville and Jacksonville, Tex. It operates 108 road tractors, about 635 trailers of various types, and over 210 pieces of city and service equipment.

Interest:—SW Transp. handles most of its traffic moving between southwestern and southeastern points through its Memphis terminal. In December 1966 traffic representing $5,985 revenue was received from Bowman at Memphis and traffic representing $3,177 revenue was given to Bowman. In the same period traffic representing $2,575 revenue was received from Roadway and traffic representing $6,413 revenue was given to that carrier. SW Transp. restricts the handling of shipments of furniture to points on its own line because of difficulties it has experienced in interlining such freight with connecting carriers. It opposes these applications because it is of the opinion that it is able to perform adequate service in conjunction with its connections on freight moving between the southeast and southwest areas.

Alamo Express, Inc. (Alamo)—
San Antonio, Tex.

Protest:—Portions of the Bowman, Floyd & Beasley, Deaton, Baggett and Johnson applications.

Operations:—Alamo is a common carrier of general commodities operating wholly within the State of Texas primarily as a distribution and pickup carrier in conjunction with connecting long-haul carriers. Its operations extend generally between the Galveston-Texas City-Houston area on the east and Brownsville, Laredo and San Antonio on the west. It operates 118 road tractors, 238 semi-trailers of various kinds and 184 pieces of city equipment.

Interest:—Houston is the major interchange point on the east, and points within 15 miles of Houston have been served by Alamo for years. In addition, Texas City is a very important traffic producing point for Alamo. For example, in April 1967, Alamo originated 77 shipments weighing over 1.4 million pounds which produced a revenue for Alamo of $4,844. In addition Alamo delivers or originates much freight within 15 miles of Houston which it interlines at Houston with connecting carriers. Alamo is of the opinion that it is giving the public a reliable and expeditious service. It has large investments in equipment, terminals and other facilities which are not being operated to capacity and diversion of this valuable freight may adversely affect its ability to render a satisfactory service in this area.

Central Freight Lines, Inc. (Central)—
Waco, Tex.

Protest:—The Deaton application and portions of the applications of Bowman, Johnson, Floyd & Beasley and Baggett.

Operations:—Central is a common carrier of general commodities operating wholly within the State of Texas primarily as a

distribution and pickup carrier in conjunction with connecting long-haul carriers. Its routes extend generally between the Beaumont, Orange and Port Arthur area on the east, through the Houston-Galveston area to Brownsville on the south, and through central Texas to Wichita Falls and Denison on the north. It operates 418 tractors, 1,010 trailers of various types, 481 trucks, and 41 pieces of service equipment.

Interest:—Central interlines a considerable amount of traffic at such points as Houston and Dallas, much of which is moving to or from points on the routes of the carriers it protests. Competition from new single-line services as proposed by these applicants, particularly

in connection with points within the 15 mile radius of Houston and Dallas and such points as Port Arthur, Beaumont, Orange, Texas City, Smiths Bluff, Greenville and Garland, may divert some of this freight from Central Freight. The carrier has a large investment in facilities and equipment which are not being used to capacity. It is the position of Central Freight that with its connections it can offer a more reliable and expeditious service responsive to the needs of the public than can the applicants, and that diversion of this important traffic will result in impairing the quality of its service.

Red Arrow Freight Lines, Inc. (Red Arrow)—
San Antonio, Tex.

Protest:—The Deaton application and portions of the applications of Bowman, Floyd & Beasley and Baggett.

Operations:—Red Arrow is a common carrier of general commodities operating over routes wholly within the State of Texas extending between the Dallas and Fort Worth area and Houston, including points within 15 miles of each of these cities;

and also between Houston and points within 15 miles, on the one hand, and, on the other, Orange, Beaumont, Texas City, Port Arthur and Smiths Bluff. It operates 118 tractors and 297 trailers in over-the-road service, and 114 trucks, 36 tractors, and 40 trailers in city equipment.

Interest:—Red Arrow interlines freight particularly through the Dallas-Fort Worth and Houston gateways including freight moving to and from points in the East and Southeast served by the applicants it is protesting. Its position is substantially the same as that of Central Freight and Alamo.

Eagle Motor Lines, Inc. (Eagle)—
Birmingham, Ala.

Protest:—The Bowman and Floyd & Beasley applications.

Operations:—Eagle is an irregular route common carrier primarily of specific commodities operating over a large area of the United States. Over 95 percent of its shipments are in truckload quantities and 95 percent of the freight handled can be classified generally as iron and steel articles, pipe, or machinery. It operates about 336 tractors and 534 trailers including vans, flats, telescopic, converters, pole, lowboys, drop frames, I-beams, and refrigerated trailers. Approximately 80 percent of the tractors and 20 percent of the trailers are leased from owner-operators.

Eagle's authority which is in conflict with the protested applications embraces the transportation of general commodities from points in Georgia, Mississippi, and Tennessee to Birmingham and points within 10 miles thereof; iron and steel articles from Birmingham and points within 10 miles thereof to points in Georgia, Mississippi, Tennessee, Texas, Virginia and portions of Louisiana and Florida; contractors' equipment between

Bessemer and points in Alabama within 100 miles thereof, on the one hand, and, on the other, points in Georgia, Mississippi, Tennessee and portions of Louisiana and Florida; cotton gin machinery and parts and veneer mill lathes from Birmingham to points in Texas; fiber pipe and iron and steel articles from various points in Alabama including Birmingham to points in Arkansas and Oklahoma; trailers from Birmingham and Haleyville, Ala., and Collins, Miss., to points in the United States and of the same commodities from the destination area to Birmingham.

Interest:—It is Eagle's position that even though the applicants it is protesting may limit their extension applications to certain specific points in Texas, Kansas, Missouri, Mississippi or Arkansas, they become new competitors to many other points by virtue of improving their interline capabilities through the new gateways. Accordingly, Eagle noted some 14 million pounds of freight (mostly iron and steel articles) handled by it during May 1967 producing a revenue of $94,000 which it considered to be subject to possible diversion should the applications of Bowman and Floyd & Beasley be granted.

T.I.M.E. Freight, Inc. (T.I.M.E.)—
Lubbock, Tex.

Protest:—All applications.

Operations:—T.I.M.E. is a common carrier of general commodities operating over routes which extend between San Francisco and Los Angeles on the west, El Paso, Oklahoma City and Atlanta on the south, Kansas City, Chicago and Cincinnati on the north, and New York and Boston on the east. T.I.M.E.'s basic operations are (1) between Middle Atlantic and New England territory, on the one hand, and, on the other, the South, Midwest and West; (2) between the Midwest, on the

one hand, and, on the other, the South and Southeast; and (3) between the South and Southeast, on the one hand, and, on the other, the Southwest and West.

- 7 -

It maintains 29 terminals at various key locations throughout its routes. It operates 513 road tractors, 1,304 road trailers, 412 city tractors, 376 city trailers, 206 straight trucks and 63 service vehicles. The only protective service offered is by portable heaters. In 1966 its operating revenue was over $57 million and its operating ratio 92.15 percent. Its average length of haul for all of its freight in March 1967 was 1,112 miles.

T.I.M.E. holds out to the public an overnight service on truckload and second day on less-than-truckload freight between Atlanta, on the one hand, and, on the other, Memphis, Little Rock, Springfield and Tulsa. From the eastern terminals such as Boston, New York, Philadelphia, Baltimore, York, Pa., to Memphis the holding out is second day on truckload and third day on less-than-truckload freight and that same service is also held out on the Atlanta to Oklahoma City freight. No evidence was presented as to actual performance under those schedules. Although authority to serve other points in Arkansas, Oklahoma and Missouri is held, T.I.M.E. serves only Little Rock and West Memphis in Arkansas, Oklahoma City and Tulsa in Oklahoma, and Springfield, St. Louis and Kansas City in Missouri, except for an occasional volume shipment. Freight destined to other points in those States which it is authorized to serve is interlined to other carriers for delivery.

Interest:—During the month of March 1967 it handled freight between its Atlanta terminal and other terminals here involved as follows:

- 8 -

Terminals	No. Shipments	Pounds	Revenue
Atlanta to Memphis	2,185	1,537,247	$ 25,493.00
Memphis to Atlanta	1,576	1,397,890	19,623.29
	3,761	2,935,137	$ 45,116.29
Atlanta to St. Louis	2,091	1,271,326	$ 25,039.55
St. Louis to Atlanta	2,367	2,769,761	47,024.39
	4,458	4,041,087	$ 72,063.94
Atlanta to Chicago	775	507,052	$ 9,963.92
Chicago to Atlanta	1,185	1,054,277	23,794.45
	1,960	1,561,329	$ 33,758.37
Atlanta to Springfield	503	253,574	$ 6,566.74
Springfield to Atlanta	271	209,488	5,767.97
	774	463,062	$ 12,334.71
Atlanta to Kansas City	1,560	744,460	$ 21,929.70
Kansas City to Atlanta	1,027	845,637	21,629.23
	2,587	1,590,097	$ 43,558.93
Atlanta to Tulsa	1,033	529,695	$ 13,843.11
Tulsa to Atlanta	377	203,175	5,111.90
	1,410	732,870	$ 18,955.01
Atlanta to Oklahoma City	2,374	1,131,055	$ 32,862.56
Oklahoma City to Atlanta	588	713,102	17,843.84
	2,962	1,844,757	$ 50,706.40
Atlanta to Little Rock	1,259	695,563	$ 13,153.92
Atlanta to terminals west of Oklahoma City	5,306	4,109,805	$224,336.04
Terminals west of Oklahoma City to Atlanta	6,475	3,821,068	$229,803.27

During the month of March 1967, at Memphis T.I.M.E. interlined to Red Ball 4,097 shipments weighing over 3 million pounds producing revenue for Red Ball of $44,156.

This freight moved primarily to points in Texas and Louisiana from points in the northern, eastern and southern areas. It gave Herrin 1,070 shipments of similar traffic weighing 540,385 pounds and producing revenue for Herrin of $10,103. Traffic interlined to Southwestern Transp., ETMF and Gordons moved mostly from midwestern and eastern points to Texas points. T.I.M.E. gave SW Transp. 1,311 shipments weighing 809,935 pounds and $15,121 revenue. Its interline to ETMF during this period was 579 shipments weighing 449,034 pounds and producing revenue of $8,861; to Gordons 807 shipments weighing 419,223 pounds and producing revenue of $5,852. Its interline to Jones goes to Missouri and Arkansas points primarily and amounted to 1,583 shipments weighing 987,617 pounds and producing revenue to Jones of $15,856. Some of this latter traffic came from western origins. Protestant is of the opinion that a substantial portion of this freight now interlined at Memphis would be subject to diversion if the applications were granted.

Arkansas-Best Freight System, Inc. (ABF)—
Fort Smith, Ark.

Protest:—Roadway application.

Operations:—ABF is a common carrier of general commodities over a network of routes in the States of Wisconsin, Indiana, Illinois, Ohio, Missouri, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi and Tennessee. It maintains 36 terminals throughout its system, and operates 343 road tractors and 1,048 road trailers and 604 pieces of city equipment.
Interest:—ABF is opposed specifically to Roadway's proposed extension which would authorize a new service between New Orleans, on the one hand, and, on the other, the following midwestern points which both Roadway and ABF serve, namely, St. Louis, Chicago, Indianapolis, Akron, Cleveland, Columbus,

Dayton and Toledo. Freight moving between New Orleans and these terminals is very important to ABF, as is indicated by the following data for the year 1966:

- 10 -

TO: New Orleans La.

FROM:	No. Shipments	Weight In Lbs.	ABF Revenue
Chicago, Ill.	14,136	20,753,743	$ 534,037.34
Indianapolis, Ind.	1,365	2,122,270	48,508.66
Akron, Ohio	3,027	5,390,633	153,099.15
Columbus, Ohio	2,870	3,885,428	109,301.79
Dayton, Ohio	1,732	3,149,884	74,162.62
Cleveland, Ohio	7,747	10,554,259	290,566.14
Toledo, Ohio	2,851	2,759,967	103.845.98
Total Southbound	33,728	48,616,184	$1,313,521.68

FROM. New Orleans, La.

TO:			
Chicago, Ill.	2,070	11,144,728	$ 170,829.14
Indianapolis, Ind.	371	1,905,200	27,437.58
Akron, Ohio	169	1,168,580	17,330.76
Columbus, Ohio	324	1,682,374	29,071.86
Dayton, Ohio	436	1,977,753	26,272.28
Cleveland, Ohio	832	1,960,506	46,149.51
Toledo, Ohio	279	689,027	14,665.67
Total Northbound	4,481	20,528,168	$ 331,756.80

On less-than-truckload freight ABF holds out to the public a third day service between New Orleans, on the one hand, and, on the other, St. Louis, Chicago, and Indianapolis, and a fourth day service between New Orleans and the five Ohio points. The service contemplates direct schedules, but when the volume of

freight is insufficient to load direct daily schedules between these terminals the freight is routed through a break-bulk terminal at Dayton, Ohio and/or Memphis. A summary of shipments handled between New Orleans and these terminals during a one week period in March 1966 discloses that ABF's on time performance to New Orleans under these schedules was 74 percent from Chicago, 29.8 percent from Indianapolis, 44.4 percent from Akron, 41.7 percent from Columbus, 72 percent from Dayton, 81.3 percent from Cleveland, and 17 percent from Toledo. In the northbound operation from New Orleans to the above terminals there were so few shipments moving during the one week test period that the figures are meaningless with the exception of service from New Orleans to Chicago which was a 36.6 percent on time performance.

- 11 -

Thirteen Roadway witnesses testified on behalf of Roadway concerning their need for service between New Orleans and points which are on the route of ABF. A check of its records for the month of October 1965, disclosed that ABF had served six of these witnesses located at Cleveland, Columbus and Akron, Ohio, and New Orleans, La., handling a total of 69 shipments weighing an aggregate of 110,051 pounds and producing revenue for ABF of $3,823. Another company located at Barberton, Ohio supporting the Roadway application is a substantial shipper for ABF to Louisiana points. The company complains of slow transit time. A study of 81 shipments handled by ABF during August and September 1966 for this shipper from Barberton to Louisiana points shows on time delivery on about 61 percent of the shipments.

ABF regards Roadway as an aggressive and substantial competitor who would be successful in diverting traffic if its application to serve New Orleans were approved. Diversion of its traffic to Roadway will result in a reduction of ABF's direct

schedules between New Orleans and the involved terminals causing more of its freight to be handled through the break-bulk points and thus further slow down movement of its traffic.

Watson-Wilson Transportation System, Inc. (Watson-Wilson)[1]

Protest:—Bowman application.

Operations:—Watson-Wilson is a motor common carrier of general commodities over regular and irregular routes in the States of California, Arizona, New Mexico, Colorado, Nebraska, Kansas, Iowa, Minnesota, Illinois, Tennessee, Georgia and South Carolina. It maintains 30 terminals throughout its system and operates in line-haul service 368 tractors and 631 trailers including vans, open tops and refrigerated units. Its operating revenue for 1966 was over $35 million. That of Yellow Transit was nearly $56 million.

Interest:—Watson-Wilson's interest concerns pirmarily service between Kansas City and Topeka, on the one hand, and, on the other, points in Tennessee, Georgia and

South Carolina. Between its Kansas City terminal, on the one hand, and, on the other, its terminals in Chattanooga, Tenn., Rome, Atlanta and Augusta, Ga., and Greenville and Charleston, S. C., during the first four months of 1967 it transported 10,130 shipments weighing 13,561,657 pounds and producing

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[1] At the time of the hearing Watson-Wilson was controlled by Yellow Transit Freight Lines, Inc. Subsequently, the Commission approved merger of Watson-Wilson into Yellow Transit Freight Lines, Inc., 104 M.C.C. 737, which transaction was consummated December 9, 1968. The name of the surviving corporation has been changed to Yellow Freight System, Inc.

revenue of $335,466. By far the largest portion of this freight moved between Atlanta and Kansas City with substantial tonnage also moving between Kansas City and the Chattanooga and Greenville terminals. During the same four month period Watson-Wilson found that it had transported freight for seven of the shippers who testified in support of the Bowman application from Kansas City to points in Tennessee, Georgia and South Carolina for delivery to consignees or interlined to other carriers. These totaled 230 shipments weighing 383,713 pounds and produced revenue of $12,729.

In a one week test period in March 1967, Watson-Wilson transported 269 shipments from its Atlanta terminal to Kansas City for delivery to consignees or connecting carriers. These shipments weighed 312,313 pounds and produced revenue of $8,875. Seventy-eight percent of the shipments were delivered within 3 days of the billing date at Atlanta and 96 percent within four days. During the same test period 84 shipments were transported from the Chattanooga terminal to Kansas City weighing 78,720 pounds and producing revenue of $2,123. Seventy-one percent of these shipments were delivered within three days from the Atlanta billing date and 93 percent within four days. From the Greenville terminal there were 42 shipments to Kansas City during the period weighing 29,792 pounds and producing revenue of $967. Forty-eight percent were delivered within three days and 86 percent within four days. During that period 17 shipments were handled from the Augusta terminal to Kansas City, 15 from the Rome terminal and 5 from the Charleston terminal. These 37 shipments weighed an aggregate of 75,491 pounds and produced revenue of $2,242. Thirty-eight percent were delivered within three days of the billing date and 89 percent within four days.

Bowman is one of Watson-Wilson's primary interline carriers in the southeastern area. The protestant is of the opinion that the granting of the Bowman application will jeopardize

the traffic it now has between Kansas City and Topeka, on the one hand, and Atlanta and points in the southeastern area on the other.

- 13 -

Trans-Cold Express, Inc. (Trans-Cold)—
Irving, Tex.

Protest:—All applications.

Operations:—Trans-Cold is a common carrier of specific commodities, primarily various kinds of food products, operating between numerous points and areas within the United States. Its general office is at Irving (Dallas), Tex., and it also maintains offices at Brownsville, Tex., Norwalk, Calif., Chicago, Ill., Wichita, Kans., Somerville, Mass., and Jersey City, N. J. It operates 21 pieces of city and service equipment, 153 road tractors and 176 road trailers. All trailers are mechanically refrigerated. It maintains refrigerated storage facilities at Irving and at Jersey City. The preponderance of the company's operation is between the Southwest and East, and from the Southwest to the Southeast. Its primary customers are large chain stores, warehouses, various of the larger foodstuffs manufacturers, and meatpackers.

Interests:—Trans-Cold transports substantial quantities of freight requiring protective service from the East to the Southwest, from the Southwest to the East, and from the Southwest to the Southeast (but not in the reverse direction) which it believes may be subject to diversion should these applications be granted. To a much lesser extent there is a possibility of some diversion of its freight moving between the East and West. During the month of May 1967, Trans-Cold transported 254 shipments weighing over 4 million pounds from points in New York, New Jersey, Ohio, Connecticut, Massachusetts and Pennsylvania primarily to points in Texas with some shipments going to points in Oklahoma, Arkansas, and Missouri. In the

same period Trans-Cold transported 94 shipments weighing about 2.5 million pounds from the Southwest (all from Texas except one shipment from Oklahoma and one from Arkansas) to points in New York, New Jersey, Maryland, Massachusetts, Connecticut, Pennsylvania and Virginia. During the same period 70 shipments weighing about 2.3 million pounds were transported from points in Texas and New Mexico to points in Alabama, Florida, Georgia, and the Carolinas. From eastern origins to western destinations (Arizona, Utah, Oregon and Washington) in this period Trans-Cold transported 114 shipments weighing 1.4 million pounds.

- 14 -

The great majority of the freight handled by Trans-Cold is in truckload quantities. At Irving, however, it does accumulate shipments of less-than-truckload quantities from Texas origins, and approximately 3 times a week dispatches loads containing such less-than-truckload shipments for southeast and eastern destinations.

Trans-Cold opposes the granting of any authority that may result in a diversion of any of the above freight from its operations.

Missouri Pacific Railroad Company (MoPac)—

The Texas & Pacific Railway Company (T&P)—

Missouri Pacific Truck Lines, Inc. (MPTL)—

The Texas & Pacific Motor Transport Company (T&PMT)—

Protest: All applications except Roadway and Herrin.

Operations:—MoPac controls T&P and they are being jointly operated pursuant to authority of this Commission. Their re-

spective motor carrier affiliates are wholly owned subsidiaries of the parent rail companies. These motor carriers operate over regular routes in the States of Texas, Arkansas, Louisiana, Mississippi, Tennessee, Missouri, Kansas and Nebraska, paralleling the railroad operations to a considerable extent. They operate regular schedules over the system which embraces approximately 17,000 miles of routes, serving approximately 1,700 cities, towns and villages. They maintain major terminals at 30 cities in Texas, 15 in Arkansas, 12 in Louisiana and 11 in Kansas, and together operate about 456 tractors, 542 trailers, and 220 city units.

Interest:—MPTL and T&PMT conduct substantial operations over their routes serving the points authorized, and the traffic generated at the points served locally is vitally important to continuation of their operations. They interline freight with other carriers including some of the applicants. During May 1967, they received 90,508 pounds of freight from Bowman at Memphis producing revenue of $2,122. In the same month they interlined to Bowman 156,251 pounds of freight for a revenue of $1,613. They also interlined to Deaton at Memphis 176 pounds of freight with a revenue of $2.43 during the month. During this same period at New Orleans they interlined freight with Deaton, Baggett, Johnson and Strickland aggregating 475,202 pounds and producing revenue of $4,912.

- 15 -

These four protestants are of the opinion that the granting of these applications will not result in the development of any new traffic, but will serve only to dilute traffic and revenue of existing carriers operating in this particular area, and make it more difficult for them to give an adequate and dependable service to the public. These protestants are not operating to capacity and diversion of any of their traffic will adversely affect them.

Red Line Transfer & Storage Company, Inc. (Red Line)— Pine Bluff, Ark.

Protest:—The Red Ball, Strickland, Bowman and Jones applications.

Operations:—Red Line is a motor common carrier of general commodities operating daily schedules over regular routes out of Memphis, Tenn., Little Rock, Ark., and Greenville, Miss., into all of southeastern Arkansas, and to Monroe and Bastrop, La., with return schedules the same day, but restricted against service between Memphis and Little Rock or between Memphis and Greenville. It maintains 10 terminals on its routes and two call stations. Red Line operates 33 tractors, 60 trailers and 38 pickup trucks. Its operating revenue in 1965 was $1.5 million and its operating ratio was 99.1 percent. It interlines freight at Little Rock, Memphis, Pine Bluff, Crossett, Monroe, and Greenville, including interline with the applicants here protested at one or more of the points.

Interest:—During the months of October, November and December, 1966, Red Line received in interline service at Memphis for delivery at points on its routes about 1,000 shipments which originated at or moved through Atlanta or Birmingham and which produced revenue for Red Line of approximately $8,000. Of these shipments 53 were received from Bowman aggregating 34,868 pounds.

During a three day period (June 6, 7 and 8, 1967) Red Line interlined with Strickland at Little Rock 42 shipments weighing 118,377 pounds and producing revenue for Red Line of $726 and for Strickland of $1,550. Red Line has interlined such freight with Strickland at Little Rock for the past 10 years.

During a one week period May 1 through May 8, 1967, Red Line originated 44 shipments at Memphis which it trans-

ported to Lake Village, Ark., producing total revenue of $429. No interline freight is included. This is a daily operation, the truck being routed through Pine Bluff to pick up intrastate shipments from that area going to Lake Village inasmuch as there is insufficient

freight for a direct schedule from Memphis. In the same period 39 interstate shipments were originated by Red Line at Lake Village producing a revenue of $164. It also originated 27 shipments at Greenville, Miss., producing a revenue of $205. During the same week Red Line originated 84 interstate shipments at Crossett, Ark., which were interlined to connecting carriers or delivered by Red Line at Memphis, Little Rock or Monroe and which produced revenues for Red Line of $2,597.

Red Line is of the opinion that a diversion of any of this freight would jeopardize its ability to continue a daily service between its terminal points and serving the intermediate and off-route points. Red Line's present competition for the Lake Village traffic are ABF, Campbell Sixty-Six, Atlas Transit, and MoPac.

A. & H. Truck Line, Inc. (A&H)—Evansville, Ind.

Protest:—Roadway.

Operations:—A&H is a motor common carrier of general commodities operating over regular routes which extend between Chicago, Indianapolis and Cincinnati on the north, and Memphis on the south, and between Cincinnati on the east, and St. Louis on the west, serving certain intermediate and off-route points. It maintains terminals at 15 points on its routes, and interlines traffic as well as equipment with numerous connecting carriers at 12 of these terminals. It operates 233 tractors, 430 trailers, and 92 city trucks and 12 service vehicles.

Interest:—During a one week test period in March 1967, A&H handled through interline at Memphis 254 shipments weighing 722,627 pounds which either were destined to or originated at points on the new routes proposed to be served by Roadway. Projected on an annual basis this would amount to over 13,000 shipments aggregating some 37.5 million pounds of freight, all of which would be subject to diversion to Roadway for either single-line or joint-line service. A&H interlines the freight here involved at Memphis primarily with Braswell, Campbell Sixty-Six, Gordons, Herrin, Red Ball, Ryder, Viking and West Bros. (now controlled by Roadway). A&H also interlines to some extent with Roadway at Memphis but not on the traffic here involved.

A&H finds Roadway a financially strong and aggressive competitor and the possibility of diversion of this competitive traffic is very real.

- 17 -

Viking Freight Company (Viking)—St. Louis, Mo.

Protest:—Roadway.

Operations:—Viking is a common carrier of general commodities operating over a network of regular routes that extend between Chicago on the north, Cleveland, Cincinnati, and Nashville on the east, Fort Worth, Oklahoma City and St. Louis on the west, and New Orleans on the south. The protest of the Roadway application relates specifically to Viking's operations between New Orleans and points in Mississippi, on the one hand, and, on the other, Chicago, Ill., Cleveland, Akron, Columbus, Cincinnati, and Dayton, Ohio, Indianapolis, Ind., Nashville, Tenn., and St. Louis, Mo. Viking maintains 25 terminals over its routes including 6 in Mississippi, 4 in

each Ohio and Illinois, 3 in Tennessee, 2 in each Oklahoma and Texas, and 1 each in Indiana, Kentucky, Louisiana and Missouri. It operates 211 road tractors, 746 road trailers of various types, and in city work 236 tractors, 221 trailers, and 87 straight trucks.

Interest:—Viking has 650 regular customers at Chicago, 340 at Cincinnati, 150 at Cleveland, 70 at Columbus, 80 at Dayton, 130 at Indianapolis, 95 at Nashville, 330 at St. Louis and 230 at New Orleans. It holds out to the public a third day service between Cleveland and Columbus, on the one hand, and, New Orleans on the other, and second day between New Orleans, on the one hand, and, on the other, Cincinnati, Dayton, Indianapolis, Chicago, Nashville and St. Louis. No data was presented to show actual performance under this holding out. It transports substantial tonnage between these terminals as is disclosed by the following data for the year 1966:

	To New Orleans		From New Orleans	
	Weight (Pounds)	Revenue	Weight (Pounds)	Revenue
Chicago	16,929,000	$ 477,482	7,662,000	$134,203
Cincinnati	6,828,00	180,065	4,444,000	66,555
Cleveland	5,981,000	189,082	1,493,000	34,294
Columbus	3,374,000	102,939	6,381,000	81,065
Dayton	7,543,000	213,374	6,740,000	83,468
Indianapolis	10,907,000	298,396	8,096,000	92,862
Nashville	7,063,000	141,483	10,012,000	138,052
St. Louis	17,366,000	407,733	11,030,000	170,246
Totals	75,991,000	$1,980,054	55,858,000	$800,745

Granting of the Roadway application will enable that carrier to compete directly in single-line service with Viking for the above traffic and in addition, it will enable Roadway to serve in 2-line service many additional points in Louisiana and Mississippi, some of which Viking serves in single line and some in 2-line service. Viking considers ABF as its only competitor at present between New Orleans and the Columbus-Cleveland-Indianapolis area.

Gordons Transports, Inc. (Gordons)—
Memphis, Tenn.

Protest:—All applications.

Operations:—Gordons is primarily a regular route general commodity carrier with authorized routes extending between Chicago and St. Louis on the north, New Orleans, Gulfport and Mobile on the south, Atlanta, Ga., on the east, and Dallas, Fort Worth, Fort Smith and Kansas City on the west. It is authorized to conduct single-line operations between Atlanta, Ga., and Birmingham, Huntsville and Decatur, Ala., on the one hand, and, on the other, Memphis, Kansas City, St. Louis, Chicago, Dallas, Fort Worth, Little Rock, Fort Smith and the Mississippi points of Greenville, Greenwood, Cleveland and Indianola; also between Chicago and St. Louis, on the one hand, and, on the other, Jackson and Gulfport, Miss., and Baton Rouge, New Orleans and other Louisiana points. It maintains 17 company terminals and 5 agency

terminals throughout its system. It operates 309 tractors, 815 trailers of various types, and 812 city equipment units. In 1966 its operating revenue was about $31.4 million with an operating ratio of 91.8 percent.

Gordons is predominantly a less-than-truckload carrier. In 1966, it transported 1,674,816 less-than-truckload shipments and 26,758 truckload shipments. Of the less-than-truckload shipments handled, 40.1 percent were minimum rated and 71.8 percent weighed less than 500 pounds. The less-than-truckload shipments accounted for 72.6 percent of its operating revenue. 68.8 percent of the total shipments were transported in joint-line service producing 55.2 percent of the revenue. Gordons interlines freight with short-line operators at its major terminals which freight originates at or is terminated at numerous points Gordons is authorized to serve. This is especially true where the volume of freight fails to warrant daily schedules, and accumulation of an adequate volume would result in delay in handling the freight.

In like manner, Gordons may operate a certain number of schedules between terminals daily, but if there is insufficient freight to warrant dispatching one of the schedules the freight may be held a day for additional freight to round out the trailer load. In this connection Gordons considers traffic volume as the key to establishing service standards. Where there is sufficient freight to load a through trailer to destination the freight moves faster than if loaded to a break-bulk point. In some instances it is advantageous both from the standpoint of economy and service to use every-other-day through schedules rather than daily schedules over a break-bulk point.

Gordons has established certain service standards which it holds out to the public. It has found that there are very few complaints regarding service if freight is delivered not more than one day beyond the service standard. These standards as pertinent to operations here considered include second day service from Atlanta to Dallas, and from Chicago and St. Louis to Atlanta and Birmingham; third day service from Kansas City to Atlanta and Birmingham, from Birmingham to Dallas, and from Chicago to Baton Rouge, New Orleans, other Louisiana points, Gulfport and Mobile. An examination of Gordons'

records for a one week test period in May 1966, covering 5,694 shipments handled between the above points[2]

- 20 -

disclosed "on time" performance on 81 percent of the shipments, and that 96 percent were delivered by the first day beyond the established standard.

The traffic Gordons handles is especially susceptible to diversion by the new service proposals of these proceedings. An analysis of its traffic for the year 1966 discloses that at its Atlanta terminal 89.6 percent of the outbound and 95.1 percent of the inbound freight is involved in these proceedings, and is subject to diversion if these applications are granted; at Baton Rouge 83.5 percent of the outbound and 81.2 percent of the inbound freight is involved; at Birmingham 98 percent of the outbound and 98.5 percent of the inbound freight is involved; at Dallas it is 24.8 percent of the outbound and 43.7 percent of the inbound freight; at Gulfport 89.7 percent of the outbound and 90.6 percent of the inbound freight; at Jackson 59 percent of the outbound and 54.4 percent of the inbound freight is involved; at Kansas City 42.1 percent of the outbound and 44.3 percent of the inbound freight is involved; at Mobile 86 percent of the outbound and 91.2 percent of the inbound is involved; at New Orleans 69.5 percent of the outbound and 87.7 percent of the inbound freight is involved.

Overall, 54 percent of all shipments handled by Gordons on its entire system are subject to diversion through these proceedings representing 54.6 percent of its tonnage and 58.5 percent of its total 1966 operating revenue. Gordons serves many of the shippers who testified in these proceedings on behalf of certain

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[2] Excludes bills with no delivery date, and those involving unusual circumstances such as "will call" shipments, COD's or order notify shipments, and redeliveries.

of the applicants. Diversion of their freight to other carriers will seriously affect Gordons' ability to render adequate and satisfactory service, and will result in increasing its operation of empty vehicle miles between certain of its terminals. In 1966 Gordons operated empty vehicles a total of 1,045,560 miles, much of it between points involved in these applications.

Supporting Gordons' Protest

Five motor carriers who were not themselves protestants in these proceedings testified in support of Gordons' protest. Ellis Trucking Company, Inc., of Indianapolis, Ind., operates as a common carrier of general commodities over regular routes extending between Memphis, on the one hand, and, on the other, numerous points in Kentucky, Indiana, Ohio and Michigan, with terminals at Memphis, Tenn., Cincinnati and Dayton, Ohio, Indianapolis, Anderson, Marion, and Fort Wayne, Ind.,

Detroit, Pontiac, Flint, Saginaw, Lansing and Jackson, Mich. Its operating revenue for 1966 was over $12 million. Roadway serves all the above points. At Memphis Ellis interlines primarily with Gordons, Braswell and Herrin. In May 1967 Ellis from the above terminals interlined at Memphis 1,573 shipments weighing over 2 million pounds destined to New Orleans, Baton Rouge, Mobile, Gulfport and Biloxi. All of this freight would be subject to diversion to the proposed Roadway single-line service.

Southern Forwarding Company of Memphis is a motor common carrier of general commodities operating over regular routes in Tennessee and Kentucky primarily between Louisville and Memphis via Nashville. Its operating revenue for 1966 was over $1.7 million. In January 1967 Southern Forwarding handled 40 shipments weighing 121,860 pounds from Louisville

destined to New Orleans and 60 shipments weighing 46,494 pounds from Louisville destined to Baton Rouge which were interlined at Memphis. This traffic would be subject to diversion to Roadway. Also subject to diversion to Bowman would be freight from Nashville to New Orleans and Baton Rouge.

Mid-South Transports, Inc., of Memphis, is a motor common carrier of general commodities in the State of Tennessee operating generally between Memphis and Nashville and between Memphis and Clarksville serving various intermediate points. Its operating revenue for 1966 was approximately $2.5 million. In the first three months of 1967 Mid-South originated 121 shipments weighing 296,141 pounds at Clarksville, Tenn., destined to points proposed to be served by Roadway and during the same period 94 shipments weighing 40,610 pounds at Nashville destined to the same Gulf Coast area. This freight was interlined to connecting carriers at Memphis. The two shippers of this freight testified in support of the Roadway application and the freight would be subject to diversion by that carrier. Similarly, during the period from October 10 to October 22, 1966, Mid-South participated in the movement of 121 shipments weighing 117,295 pounds between points in Tennessee and Kentucky including Nashville and Clarksville, on the one hand, and, on the other, points in Louisiana and Mississippi which also would be subject to diversion.

Wilkerson Freight Lines, Inc., of Moss Point, Miss., is a common carrier of general commodities operating over a regular route between Pascagoula, Miss., and Mobile, Ala., serving all intermediate points and the off-route point of Escatawpa. It operates 9 tractors and

16 trailers. Less-than-truckload traffic is handled on its own equipment. Truckload freight for the International Paper Company plant at Moss Point, Miss., is handled in conjunction with

Bowman, Gordons, Cole and Mercury Freight using the connecting line's trailer with the interline being made at Mobile. Forty-five to 60 percent of its traffic is handled for International Paper Company. That company testified on behalf of the Johnson and Bowman applications.

Atlas Transit, Inc., of Little Rock, Ark., is a motor common carrier of general commodities operating over a network of regular routes in Arkansas between West Memphis, Little Rock, El Dorado, Texarkana, Arkadelphia, Pine Bluff, Hot Springs, Conway, Fort Smith, Fayetteville and Springdale. It maintains 15 terminals throughout its routes and operates 19 road tractors, 77 road trailers and 28 city pickup vans. On freight moving to or from Memphis Atlas purportedly interlines with Powell Truck Lines on a through unit and one carrier (for rate purposes) basis. Jones, Herrin, Strickland and Red Ball all operate in Arkansas and Bowman proposes operation in Arkansas. Atlas handles a substantial amount of interstate freight through interline especially at West Memphis and Little Rock. This freight is essential to the continued operation of various terminals which provide a necessary service to many small cities and communities in Arkansas. A shift in the interline point from Memphis to Little Rock would either divert freight entirely from Atlas or substantially reduce its portion of the operating revenue.

Mercury Motors Incorporated (Mercury Motors)—
Fort Smith, Ark.

Protest:—The Bowman application (also appeared as a witness for Gordons in support of their protest of the Jones, Red Ball and Strickland applications).

Operations:—Mercury Motors is a common carrier of general commodities operating over regular routes between Memphis and Fort Smith by way of Little Rock, and between Mem-

phis and Snow Lake, serving intermediate points and certain off-route points; also over irregular routes between Memphis on the one hand, and points in the west central portion of Arkansas on the other. Its 1966 operating revenue was over $2.7 million. It maintains terminals at Memphis, Forth Smith, Little Rock and Helena.

- 23 -

Interest:—During 1966 Mercury Motors received from Bowman in interline service at Memphis 1,408 shipments weighing 1,258,021 pounds and producing revenue for Mercury Motors of $14,228. During the same period it interlined to Bowman at Memphis 231 shipments weighing 1,079,150 pounds and producing revenue for Mercury Motors of $8,764. This freight is subject to diversion to Bowman should the Bowman application be granted.

Mercury Motor Express, Inc. (Mercury MX)—
Tampa, Fla.

Protest:—The Roadway application.

Operations:—Mercury MX is a motor carrier of general commodities between points in Florida, Georgia and South Carolina, on the one hand, and, on the other, points in numerous eastern States including those of particular interest in this proceeding, namely, Connecticut, Massachusetts, Rhode Island, New York (on and south of Highway 7), New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia and North Carolina. Mercury MX's operating revenue in 1966 was over $13 million. It maintains 34 terminals throughout its territory including 13 in Florida.

Interest:—Mercury MX's Pensacola terminal is responsible for approximately $445,000 of the $13 million operating revenue in 1966. Mercury MX holds out a 3-day service between

Pensacola and points in the eastern States and operates sleeper equipment manned by two-man teams to meet this schedule. No evidence was offered of the actual performance under that holding out. It has need for additional freight in the Pensacola area. Substantially all of its traffic moving to or from the Pensacola terminal would be subject to diversion with the granting of the Roadway application.

Carolina Freight Carriers Corporation (Carolina)—Cherrydale, N. C.

Protest:—The Roadway application.

Operations:—Carolina is a common carrier of general commodities and as here involved operates between all points in Florida, on the one hand, and, on the other, points in numerous eastern States as far north as Massachusetts and west to Chicago and Ohio points. It maintains 28 terminals and 21 call stations in that territory and operates 202 pickup trucks, 718 tractors and 1,268 trailers.

Interest:—Carolina protests especially the Roadway proposal to serve Pensacola, Fla., which Carolina is authorized to serve. Carolina does not maintain a terminal at that point although it does have four terminals and four call stations in Florida. The evidence does not indicate what volume of freight is handled by this protestant which may be affected by the Roadway application.

Akers Motor Lines, Inc. (Akers)—Gastonia, N. C.

Protest:—All applications.

Operations:—Akers is a common carrier of general commodities operating over an extensive network of routes between points

in Georgia, South Carolina, North Carolina and on up the East Coast through Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island and Massachusetts. It maintains terminal facilities at 85 cities and operates 183 trucks, 552 tractors, and 1,102 trailers of various types.

Interest:—Interline traffic is a vital part of the Akers operation and any diversion of such freight from its lines by virtue of these applications will be detrimental to the carrier and impair the quality of service it is able to give to the public. Akers restricts the application of through rates to not more than a 2-line haul on truckloads and a 3-line haul on less-than-truckload freight, and in the latter instance only when Akers is the intermediate carrier.

M. R. & R. Trucking Company (MR&R)—Crestview, Fla.

Protest:—The Roadway application.

Operations:—MR&R is a common carrier of general commodities operating over regular routes generally between Pensacola and Mobile on the west, Atlanta on the north and Jacksonville on the east. It operates 80 pickup trucks, 67 tractors and 129 trailers. It maintains seven terminals and seven agency stations in the area served.

Interest:—In 1966 MR&R's Atlanta-Pensacola freight constituted 9 percent of the total weight of all shipments handled and produced 12.1 percent of its total operating revenue. In the first five months of 1967 this freight represented 19.6 percent of the total weight and 14.1 percent of the total operating revenue of the carrier. This important segment of its freight

will be subject to diversion if the Roadway application is granted. MR&R interlines a substantial amount of freight with

Roadway. For example, in a 2-week period in October 1966, MR&R received a total of 130 shipments from Roadway at Atlanta weighing 162,192 pounds. An analysis of the freight handled from the Atlanta area to the Pensacola area in a one week period in April 1967 disclosed that of 589 shipments handled 83 percent were handled in one day and 94.5 percent within 2 days. Of the shipments which failed to receive next day delivery, 42 were held for specific reasons. MR&R is of the opinion its service is satisfactory and a dilution of freight will be disastrous especially considering the pronounced imbalance of freight southbound. If Roadway is in a position to offer single-line service to shippers in the Pensacola area it will seriously affect the ability of MR&R to continue in business without this important northbound freight which it interlines at Atlanta.

Mercury Freight Lines, Inc. (Mercury Freight)—Mobile, Ala.

Protest:—All applications.

Operations:—Mercury Freight is a common carrier of general commodities operating between Birmingham on the north, Mobile and Pensacola on the south, Beaumont, Houston, Dallas and Fort Worth on the west. By certificate dated May 24, 1968, in No. MC-113528 (Sub-No. 12), Mercury Freight is authorized to serve as intermediate and off-route points Baton Rouge, and points within 15 miles thereof, Lake Charles and points within 15 miles thereof, Bay Minette and Jackson, Ala., and Picayune, Miss., and the NASA test site near there. It maintains terminals at Birmingham, Selma, Mobile, Pensacola, Dallas, Fort Worth, Beaumont and Houston. It operates 82 tractors, 168 trailers and 48 pickup trucks. Its 1966 operating revenue was over $4.8 million. In that year it handled 267,109 less-than-truckload shipments and 8,152 truckloads. In 1966, 20 percent of Mercury Freight's total tonnage was local to its line, 66 percent was inter-

line freight either originating or terminating on its lines, and 14 percent was interline freight where Mercury Freight was a bridge carrier. Thus, 80 percent of its freight is interline, including such service with some of the applicants.

Mercury Freight holds out to the public next day delivery between Birmingham and Mobile and between Birmingham and Pensacola; second day service between Birmingham and Houston, Birmingham and Dallas, Mobile and Houston and Mobile and Dallas. Its on time performance

under those schedules as determined by records of 7,885 shipments covering a number of one week periods during 1966 ranges from a low of 76.4 percent to a high of 93.8 percent. It also holds out a second day joint-line service between Atlanta and Houston or Dallas.[3] Mercury Freight is not operating to capacity and is in need of additional freight. In the period from July to December 1966, Mercury Freight dispatched 86 empty trailers from its Pensacola terminal for lack of outbound freight. Similarly, it dispatched 127 empty trailers from Houston for lack of traffic in that six month period. In 1966, 99.2 percent of the individual shipments handled by Mercury Freight were free from any claim for loss or damage and from a revenue standpoint the claim ratio of the company was 1 percent.

Interest:—Aside from added competition with its extensive joint-line services which these applicants propose, Mercury Freight's single-line service will be duplicated by one or more of these applications. For example, six of the applicants proposed to duplicate Mercury Freight's single-line service between Birmingham and Dallas, Birmingham and Houston, Birmingham

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[3] In No. MC-F-9918, *Mercury Freight Lines, Inc.—Purchase (Portion)—Sam N. Cole* (not printed), decided April 11, 1969, Mercury Freight was authorized to acquire by purchase operating rights extending its authority between Birmingham and Atlanta.

and Beaumont, and Birmingham and Fort Worth. Between Mobile and Dallas, Mobile and Houston, Mobile and Beaumont and Mobile and Fort Worth, four of the applicants propose single-line service duplicating that of Mercury Freight. Between Pensacola and Dallas, Pensacola and Houston, Pensacola and Beaumont, Pensacola and Fort Worth, two applicants proposed single-line service duplicating that of Mercury Freight. And between Selma, on the one hand, and, on the other, Dallas, Houston, Fort Worth and Beaumont, one of the applicants is proposing a new single-line service duplicating that of Mercury Freight.

As previously mentioned Mercury Freight interlines substantial traffic with several of the applicants. In 1966 Mercury Freight interlined to Roadway at Birmingham 1,494 shipments weighing over 2.4 million pounds moving to points in the Roadway system, and received from Roadway 7,588 shipments weighing over 4.9 million pounds. It interlined to Bowman at Birmingham

3,692 shipments weighing over 7.3 million pounds and received from Bowman 2,293 shipments weighing 7.2 million pounds. It interlined to Johnson at Mobile 194 shipments weighing 414,498 pounds and received from Johnson 2,119 shipments weighing 1.6 million pounds. Mercury Freight gave Baggett at Birmingham 4,006 shipments weighing over 4 million pounds and received from Baggett 1,464 shipments weighing over 2 million pounds. It gave Floyd & Beasley 141 shipments weighing 76,904 pounds and received from Floyd & Beasley 2,985 shipments weighing over 1.7 million pounds. It interlined to Deaton for the year 935 shipments weighing over 1 million pounds and received from Deaton 866 shipments weighing 514,165 pounds. It gave Red Ball at Mobile 326 shipments weighing 411,909 pounds and received from Red Ball 43 shipments weighing 79,613 pounds. This freight totaling for the

year 1966, 17,358 shipments weighing over 18 million pounds is subject to diversion. Mercury Freight has handled the freight of at least 57 of the witnesses testifying in this proceeding. The witness for Mercury Freight also noted that for 100 of the witnesses testifying on behalf of certain of the applicants who ship or receive freight at points within Mercury Freight territory, a check of its records for periods ranging from six months to a year during 1966 failed to disclose that any of them tendered a shipment to Mercury Freight.

Howard Hall Company, Inc. (Howard Hall)—Birmingham, Ala.

Protest:—The Bowman application.

Operations:—Howard Hall is a motor common carrier of general commodities operating over irregular routes between Birmingham and points within 65 miles thereof and Montgomery, Ala., on the one hand, and, on the other, points in Georgia south of U. S. Highway 80 and through Tampa to the East Coast. It maintains terminals at Birmingham, Jacksonville, Orlando, Pensacola and Tampa from which the surrounding areas are served by peddle runs. Pickup and delivery service is performed for Howard Hall by cartage agents at Daytona Beach, Gainesville, Lake City, Melbourne, Ocala, Panama City, and Tallahassee, Fla., and Anniston, Gadsden, Montgomery, and Tuscaloosa, Ala. The company operates 187 trailers of various types, 41 tractors and 27 trucks used in pickup and delivery work, and 64 road tractors. In 1966 it transported 170,288 less-than-truckload shipments and 10,172 truckload shipments and its operating revenue was over $3.7 million.

Interest:—In a 12-month period (July 1, 1966-June 30, 1967) Howard Hall's operation between Birmingham and Pensacola produced some $405,000 operating revenue or approximately

10 percent of its total operating revenue. It considers this freight to be subject to diversion by the proposed new Bowman service which will elminate the circuity involved in its present authority to perform such service. In addition, Bowman is proposing a new service to many points now served by carriers with which Howard Hall interlines freight at Birmingham. This freight also would be subject to diversion to the proposed new single-line Bowman service.[4]

West Brothers, Inc. (West)—
Hattiesburg, Miss.

Protest:—The Herrin, Roadway, Red Ball, Strickland, Baggett, Bowman and Johnson applications.

Operations:—West is a motor common carrier of general commodities operating primarily over regular routes extending between Birmingham, Montgomery, and Mobile, Ala., on the east, New Orleans on the south, and Memphis on the north, the latter point being subject to certain restrictions. Its routes are concentrated in the southern half of Mississippi, and include among its 167 service points in Mississippi, Alabama, and Louisiana such major cities as Jackson, Hattiesburg, Laurel, McComb, Brookhaven, Biloxi, Gulfport, and Pascagoula, Miss., Birmingham, Montgomery, and Mobile, Ala., and New Orleans and surrounding points in Louisiana.[5] It operates 14 terminals within this area. In 1966 its operating revenue was over $6 million. In its business West operates 100 road tractors, 298 trailers, and 123 pieces of city equipment.

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[4] Through its purchase of a portion of the operating rights of Alabama Highway Express, Inc., No. MC-F19921, consummated August 15, 1968, Bowman now holds operating authority substantially duplicating that of Howard Hall, thus eliminating the basis of this protest.

[5] Subsequent to this hearing West has received authority to extend its operations to Natchez, Miss., and Baton Rouge, La., subject to certain restrictions. Also subsequent to this hearing applicant Roadway has acquired control of West.

Interest:—Of the 167 towns that are served directly by West only 58 will not be affected by these applications and those are primarily very small communities, the total population of which aggregates only 59,516. Interline freight is an important segment of West's operations and a considerable amount of interline traffic is handled

with these applicants. For example, in a two week period in October 1966, West received over 1.9 million pounds of freight from the 7 applicants it is protesting which it considers subject to diversion. During the first six months of 1967, 53.8 percent of all West's traffic was interlined and 46.2 percent was local to its own lines. Of the interline freight it handles West is of the opinion that from 85 to 90 percent is subject to diversion by these applications. West believes it is rendering a satisfactory and essential service to the public. In a one week period in October 1966, West handled some 6,699 shipments which purportedly would be affected by one or more of these applications. These shipments originated or were interchanged at New Orleans, Jackson, Mobile, Gulfport, Hattiesburg, Laurel, Meridian, Pascagoula, Birmingham, Memphis and Montgomery. 49.3 percent of the shipments were delivered to the consignees or to connecting carriers within one day and 93.7 percent within two days. Any diversion of freight from its primary terminal points leaving operations only at the numerous smaller communities will be destructive of West's business and operations.

Deaton, Inc. (Deaton)—
Birmingham, Ala.

Protest:—Herrin, Roadway, Red Ball, Strickland, Baggett, Bowman, Johnson and Jones applpications.

Operations:—See Appendix A-4, pages A-11-12.

Specifically involved are Deaton's operations as a common carrier of general commodities between Atlanta and Birmingham and points within 65 miles of Birmingham, on the one hand, and, on the other, Memphis, New Orleans, and all points in Mississippi; also 27 grants of specific commodities authority. Deaton handles both truckloads and less-than-truckload freight. Being an irregular route operator it holds out no firm commitment of scheduled service but informs shippers that normally shipments originating at Atlanta or Birmingham will be delivered in Jackson in the next or second day service.

Interest:—Deaton's operations conducted from its terminals at Anniston, Birmingham, Mobile, Atlanta, Columbus, Greenville, Jackson, Natchez, Vicksburg, Memphis and New Orleans are affected by the applications protested. Eight of these terminal operations are conducted by cartage agents. During two one week periods (one in February 1966 and one in March 1967) Deaton billed at the above terminals an aggregate of over 43 million pounds of freight producing revenues for Deaton

of $311,242 (Vicksburg terminal was limited to the 1967 period inasmuch as it was only opened early in 1967). A large portion of this freight would be subject to diversion to one or more of the applicants. Deaton often interlines less-than-truckload freight destined to points in Mississippi which it is authorized to serve if the volume of such traffic does not warrant operation. The volume of traffic from Atlanta and Birmingham to New Orleans and points in Mississippi is three times that in the reverse direction. Diversion of any northbound freight creating further imbalance of operation will be extremely harmful to Deaton's operations.

Floyd & Beasley Transfer Company, Inc.
(Floyd & Beasley)—
Sycamore, Ala.

Protest:—Herrin, Roadway, Red Ball, Strickland, Baggett, Bowman, Johnson and Jones applications.

Operations:—See Appendix A-5, pages A-13-15.

Floyd & Beasley is primarily a common carrier of textile products, materials and supplies operating over irregular routes (79 percent of its business). It also is a common carrier of general commodities from points in South Carolina, Atlanta and Chattanooga to Birmingham as well as to certain other Alabama points. Its operating revenue for 1967 was over $3.7 million.

Interest:—Floyd & Beasley interlines substantial tonnage particularly at Birmingham. On shipments destined to Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Missouri and points beyond, Floyd & Beasley is fearful that its present interline traffic may be diverted to the applicants who would transport the shipments to destinations or to interline points nearer the destinations. Any diversion of its present traffic will seriously affect its financial stability.

Baggett Transportation Company (Baggett)—
Birmingham, Ala.

Protest:—Herrin, Roadway, Red Ball, Strickland, Bowman and Jones applications.

Operations:—See Appendix A-8, pages A-18-20.

Baggett maintains terminals at Atlanta, Columbus, Rome, Anniston, Birmingham, Decatur, Gadsden, Huntsville, Mobile,

Montgomery, Opelika, Ozark, Selma, Sylacauga, Tri Cities, Tuscaloosa, Union Springs, Pensacola, New Orleans, Gulfport and Chattanooga. Baggett conducts

single-line operations between all of these terminal points and serves intermediate points. It is predominantly a delivery or distribution carrier for the long haul carriers serving Atlanta, Chattanooga, Birmingham and New Orleans. Ninety-five percent of its traffic is less-than-truckload.

Interest:—During the month of May 1967, Baggett handled between the above terminals 55,623 shipments weighing over 55 million pounds and producing a revenue of $564,217. Of these shipments 26,896 were interline shipments weighing over 26.7 million pounds and producing a revenue of $219,009. One or more of the applicants protested conflict with Baggett's operations to some extent, including a number which would conflict with its explosive operations authorized in some 44 States. The extent of the possible diversion was not computed, but the proposed additional competition is considered to be substantial.

Georgia-Florida-Alabama Transportation Co. Inc. (GFA)—Dothan, Ala.

Protest:—Herrin, Roadway, Red Ball, Floyd & Beasley, Strickland, and Baggett applications.[6]

Operations.—GFA is a common carrier of general commodities operating over regular routes between Atlanta on the north and Pensacola and Mobile on the south serving intermediate points; and operating over irregular routes between points

[6] Protest to the Bowman application withdrawn by petition dated September 30, 1968.

in Mississippi, Alabama and Florida within 75 miles of Bay Minette, Ala. It maintains terminals at Dothan, Andalusia, Atlanta, Pensacola, and Mobile and agency stations at Fort Walton Beach, Pascagoula and Eufala. It operates 73 tractors, 162 trailers and 52 pickups. It interlines freight with 84 connecting carriers at Atlanta, Andalusia, Dothan, Mobile, Crestview and Pensacola, including seven of the applicants.

Interest:—A substantial amount of the GFA traffic may be subject to diversion by these applications. For example, on May 15, 1967, GFA transported 427 shipments weighing a a total of 296,393 pounds between various points on its routes all of which which would be subject to diversion if these applications were granted. The record shows that GFA delivered 83.1 percent of these shipments the first day and 98.3 percent by the second day. A similar tabulation for May 19. 1967, shows a total of

440 shipments weighing 222,511 pounds subject to diversion. 88.5 percent of those were delivered the first day and 98.3 percent by the second day.

GFA serves both International Paper Company and Ingalls Shipbuilding Company at Moss Point, Miss. Normally International Paper Company requires through trailer service for its truckload shipments which GFA provides in conjunction with its connecting carriers. GFA also serves Armstrong Cork Company at Pensacola, Fla., which company requires through trailer service in connection with its truckload shipments. Much of this traffic is handled in conjunction with Roadway Express as the interlining carrier at Atlanta. In a 3-month period GFA handled 104 shipments weighing over 2.3 million pounds for Armstrong Cork Company which were interlined at Atlanta. Seventy-one percent was delivered to the interlining carrier the first day and 91 percent by the second day. GFA's interline

with Roadway at Atlanta is an important segment of its business. In the 2-month period of September and October 1966, GFA received from Roadway at Atlanta 292 shipments destined to points on its routes for delivery or interline. These shipments weighed 260,076 pounds. Fifty-four percent were delivered the first day and 89 percent by the second day. GFA is not using its equipment to capacity. It is of the opinion that it is performing an adequate service, and believes that diversion of its traffic that may result from a grant of these applications will seriously impair its operations and services.

Pilot Freight Carriers, Inc. (Pilot)—
Winston-Salem, N. C.

Protest:—Roadway and Bowman applications

Operations:—Pilot is a common carrier of general commodities and various specific commodities operating in the States of Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Ohio and the District of Columbia. It maintains 32 terminals throughout that territory. It operates 455 tractors, 917 trailers and 152 straight trucks. Its operating revenue in 1966 was over $26 million.

Interest:—Pilot participates in the transportation of freight between points in the above area and points in the Gulf Coast and Southwestern area proposed to be served by Roadway and Bowman. Atlanta is Pilot's primary gateway point for interchange of such traffic.

with the gateways of Fort Oglethorpe and Savannah, Ga., Greenville, S. C., and Charlotte, N. C., handling lesser amounts of traffic. In 1966 Pilot received from interlining carriers at these

terminals over 43 million pounds of freight and interlined to other carriers over 47.7 million pounds. This included interlining with four of the applicants, namely, Baggett, Deaton, Herrin and Johnson. Of the other 10 carriers with which Pilot interlined at these points, nine are protestants in these proceedings.

Pilot is not operating to capacity and in fact, it has an imbalance of freight at Atlanta to the extent of requiring operation of about 20 empty vehicles weekly out of that point. A diversion of freight will be detrimental to Pilot's operations.

The Mason and Dixon Lines Incorporated (Mason & Dixon)— Kingsport, Tenn.

Protest:—The Bowman application.

Operations:—Mason & Dixon is a common carrier of general commodities operating over routes extending between Chicago and Memphis on the west, Birmingham and Atlanta on the south, and Scranton and the New York City area on the north and east. It maintains some 30 terminals throughout this area and operates 187 road tractors, 1,244 trailers, and 246 pickup units. Its operating revenue for 1966 was over $39 million.
Interest:—Mason & Dixon handles a large amount of interline freight moving to or from points in Arkansas, Texas, Oklahoma and Mississippi, on the one hand, and, on the other, points on its routes. During the first 24 weeks (6 accounting periods) in 1967, Mason & Dixon transported between its northeast area and the southwestern States as above noted 32,309 shipments weighing 53.4 million pounds and producing revenue of over $1 million. In the same period between the south and southeastern points and the southwestern area it transported 3,986 shipments weighing over 5 million pounds producing revenue of $71,109. Its transcontinental traffic during this

period moving between the eastern area and the west coast area amounted to 5,164 shipments weighing about 6.5 million pounds producing revenue of $94,983. A grant of the Bowman application will subject a very substantial portion of this traffic to diversion.

- 34 -

Georgia Highway Express, Inc. (GHE)—
Atlanta, Ga.

Protest:—The Herrin, Red Ball, Strickland, Baggett, Bowman and Jones applications.

Operations:—GHE is a common carrier of general commodities operating over both regular and irregular routes in Alabama and Georgia and over regular routes in eastern Tennessee. It maintains terminals at 20 points in Georgia, 10 in Alabama and 3 in Tennessee. GHE operates 280 tractors, 788 trailers and 198 pickup units. Its operating revenue for 1966 was over $15.7 million.

Interest:—GHE fears that granting of these applications will result in diversion of interline traffic it is now handling to or from the territory for which applicants are seeking authority. GHE maintains interline facilities to handle this traffic at Atlanta, Birmingham, Mobile and Chattanooga.

Campbell Sixty-Six Express, Inc. (Campbell Sixty-Six)—
Springfield, Mo.

Protest:—All applications except Bowman's.[7]

Operations:—Campbell Sixty-Six is a common carrier of general commodities operating over routes extending between Chi-

[7] Protest of Bowman application withdrawn subsequent to hearing.

cago on the north, Kansas City and Tulsa on the west, Birmingham and Mobile on the east, and New Orleans and Baton Rouge on the south.[8] It operates 30 terminals and 2 agency stations throughout its routes which include 12 in Mississippi, 7 in Missouri, 4 in Arkansas, 2 each in Kansas, Louisiana and Alabama, and 1 each in Illinois, Tennessee and Oklahoma. It operates 374 tractors, 738 trailers and 200 pickup and delivery trucks. Its operating revenue in 1966 was almost $21.8 million.

Interest:—Some traffic moving to or from each of Campbell Sixty-Six's terminals is subject to diversion by these applications. For most of the terminals new direct single-line competitive services are being proposed.

- 35 -

Campbell Sixty-Six is of the opinion that it is performing a reasonably adequate and satisfactory service and is capable of handling additional freight. Its offered service between Birmingham and its direct points in Mississippi varies from overnight to second day and between Birmingham and Missouri points second or third day service is offered. Data reflecting operations during certain test periods reflect on time performance on shipments handled ranging from 71.6 to 82.4 percent. Diversion of freight from its terminal points will result in a deterioration of service at many of the smaller points served by Campbell Sixty-Six, particularly in Mississippi, which are not proposed to be served directly by these applicants. However, in

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[8] In February 1969, Campbell Sixty-Six received a certificate from this Commission authorizing extension of its operations to Atlanta restricted to the transportation of traffic originating at or destined to or interlined with other carriers at authorized service points on its presently authorized routes in Mississippi and Missouri except Gulfport, Miss., and Kansas City and St. Louis, Mo., and points within the commercial zones of each. (No. MC-75320 (Sub-No. 106)).

this connection it is to be observed that Campbell Sixty-Six has asked connecting carriers not to tender its freight for certain Mississippi points it is authorized to serve.

Shippers Express, a motor common carrier of general commodities operating within the State of Mississippi between Jackson, on the one hand, and, on the other, points in Mississippi within 100 miles of Jackson, appeared as a witness supporting the protest of Campbell Sixty-Six as well as those of certain other protestants. Shippers Express serves primarily as a distribution carries on interstate traffic interlined with other carriers including some of the applicants at Jackson. It maintains terminals at Jackson, Natchez, Vicksburg, Greenville and Philadelphia, Miss. It operates 12 tractors, 26 trailers and 23 pickup trucks.

Jack Cole Company (Jack Cole)—
Dixie Highway Express, Inc. (Dixie)—
Birmingham, Ala.

Protest:—All applications.

Operations:—Jack Cole and Dixie are motor common carriers of general commodities as well as of specific commodities. Jack Cole controls Dixie and has been operating Dixie since January 1965.[9] Jack Cole's operation extends primarily between numerous Alabama points, on the one hand, and, on the other, points in Tennessee, Indiana, Ohio, a portion of Illinois including Chicago, and the Detroit, Philadelphia and New York City areas. Dixie's operation is over a network of routes primarily between New Orleans, La., and Jackson, Miss., on the west, and Atlanta and Columbus, Ga., on the east,

[9] On November 15, 1967, R. E. Short, who controls Admiral-Merchants Motor Freight, Inc., of Minneapolis, Minn., acquired control of both of these companies pursuant to authority of the Commission in No. MC-F-9871.

passing through such principal intermediate points as Meridian, Laurel and Hattiesburg, Miss., Anniston, Birmingham, Montgomery, Opelika, Selma and Tuscaloosa, Ala. Together these protestants maintain 28 terminals and agency stations throughout the territory served. They operate a total of 194 tractors and 755 trailers over the road, and for city work, 162 pickups, 142 tractors and 45 trailers. Their combined operating revenue for 1966 was almost $21 million.

Interest: Jack Cole and Dixie handle a substantial amount of freight which would be subject to diversion by one or more of the applicants. In the month of May 1967, 40,492 of the shipments handled by these protestants weighing over 47.4 million pounds and producing revenue for Jack Cole and Dixie of $911,059 would be subject to diversion through these applications. This constitutes approximately 52 percent of the total combined revenues of Jack Cole and Dixie for the month. Of these shipments, 5,716 weighing some 5.6 million pounds and producing revenue of $97,822 were interlined between Jack Cole or Dixie and the applicants. By far the largest amount of this interline was with Red Ball at Jackson, Miss. Interline with Red Ball accounts for about 10 percent of the operating revenue of Dixie and almost 4 percent of the combined operating revenue of Jack Cole and Dixie.

Jack Cole and Dixie hold out to the public a second day service between their terminal points in Alabama, Georgia, Louisiana, Mississippi and Tennessee. Faster service is not held out because the freight is routed through the Birmingham terminal as a break-bulk station. This involves some delay resulting in the greater portion of the freight between these terminals receiving second day service. The carriers have experienced no substantial objection to the service from their shippers. Records of performance during a one week period in May 1967 discloses on time performance out of the Atlanta terminal ranging from 58 to 93.7 percent of the shipments handled; from

the Birmingham terminal from 72.6 to 100 percent on time performance, from the New Orleans terminal from 87 to 100 percent; from Jackson terminal from 20 to 89 percent; from the Memphis terminal from 30 to 100 percent; and from the Meridian terminal from 25 to 67 percent. Of the total 1,136 shipments involved in the one week test period, 798 or 70 percent received on time service, and 94 percent were delivered by the third day.

Jack Cole-Dixie have an imbalance of freight moving westbound. In May 1967 they operated 129 empty vehicles from New Orleans, Jackson, Meridian and Memphis back to the Atlanta and Birmingham areas. They express the view

that they are performing a reasonably adequate service to the public and that the grant of these applications not only will divert from them traffic essential to their continued operation, but also will result in reducing even more the freight available for eastbound operations from the four points mentioned to the Birmingham and Atlanta areas.

Brown Transport Corp. (Brown)—
Atlanta, Ga.

Protest:—The Herrin application.

Operations:—Brown is a common carrier by motor vehicle of general commodities operating as here relevant over routes extending between Knoxville, Tenn., on the north and Augusta and Savannah, Ga., in the south and east, serving numerous intermediate points including Etowah and Maryville, Tenn., and Atlanta, Athens and Macon, Ga. It operates 12 terminals throughout its territory including 2 in Tennessee and 10 in

Georgia. It operates 225 trailers, 81 road tractors and 28 city tractors as well as 96 pickup and delivery units. Its operating revenue in 1966 was $5 million. Brown, solicits traffic moving between points on its system, on the one hand, and, on the other, points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas, operating primarily through the Atlanta gateway.

Interest:—Brown has joint through routes and rates with Herrin over the Macon gateway. It opposes Herrin's extension of operation into Atlanta which may well divert a considerable amount of freight. During June 1965, Herrin delivered to Brown in Macon for movement to Atlanta alone some 185 shipments weighing approximately 200,000 pounds. This traffic was diverted from Brown after Herrin filed this application. [As noted in Appendix A-1, page A-4, in January 1968 Herrin extended its operation from Macon into Atlanta through a purchase of operating rights.]

East Texas Motor Freight Lines, Inc. (ETMF)—
Dallas, Tex.

Protest:—All applications except that of Roadway.

Operations:—ETMF is a common carrier of general commodities operating over routes extending from its Dallas-Fort Worth base area southward to San Antonio, Houston, Port Arthur and Beaumont, Tex., eastward through Shreveport or Memphis to Birmingham and Atlanta, and northward through Little Rock and St. Louis to Chicago.

Its operation into Atlanta and Birmingham was begun in April 1965 following purchase of those rights. ETMF maintains 19 terminals, 12 of which are located at Texas points. It operates

a total of 581 tractors, 1,011 trailers, and 388 straight trucks. Its operating revenue for 1966 was $34.3 million. ETMF predominantly handles less-than-truckload freight. In 1966 it transported 2,123,486 shipments of which only 28,317 were truckloads and the average weight per shipment was 886 pounds. An analysis of freight billed at Dallas and transported to Atlanta in the week of June 26, 1967 (825 shipments) disclosed that 34.3 percent weighed less than 100 pounds; and of the freight billed at Atlanta and transported to Dallas in the same week (814 shipments), 25.9 percent weighed less than 100 pounds. In 1966 claims were filed on only one percent of the shipments handled and the ratio of claims paid to revenue was 1.56 percent.

Interest:—The nine applications being protested seek authority which duplicates that of ETMF to a substantial extent and will subject a large portion of its tonnage to possible diversion if granted. For example, in the first six months of 1967, from Atlanta to its Texas, Louisiana, Arkansas and Memphis terminals, ETMF transported 100,228 shipments weighing about 65.3 million pounds, and in the reverse direction from those terminals to Atlanta it transported 73,729 shipments weighing about 77.5 million pounds. From Birmingham there were 30,350 shipments weighing 27.8 million pounds and to Birmingham 26,664 shipments weighing 23.7 million pounds. Of all these, 78,588 shipments weighing a total of 62 million pounds moved between its Atlanta terminal, on the one hand, and its terminals at Dallas, Fort Worth and Houston on the other; and 24,925 shipments weighing a total of 19.4 million pounds moved between its Birmingham terminal, on the one hand, and its Dallas and Fort Worth terminals on the other.

ETMF interlines freight with other carriers to provide joint through service. It maintains joint rates and through routes with 36 carriers at Birmingham including applicants Baggett, Bowman, Deaton and Floyd & Beasley; with 35 carriers at

Atlanta including Baggett, Bowman and Johnson; with 24 carriers at Houston including Herrin, Red Ball and Strickland; with 30 carriers at Dallas including Herrin, Jones, Red Ball, Roadway and Strickland; with 23 carriers at Little Rock including Jones; with 12 carriers at Memphis including Bowman, Deaton, Herrin, Jones, Red Ball and Roadway; and with 12 carriers at Shreveport including Deaton, Herrin, Red Ball and Strickland. In the first six months of 1967

ETMF received a total of 8,866,311 pounds of freight at the three interchange points of Atlanta, Birmingham and Memphis from applicants Bowman, Johnson, Red Ball, Jones, Baggett, Floyd & Beasley and Deaton. Nearly one-half (4,239.915 pounds) was received from Bowman.

ETMF holds out to the public second day service on less-than-truckload freight between its Atlanta and Birmingham terminals, on the one hand, and, on the other, its terminals at Dallas, Fort Worth, Houston, Texarkana, Shreveport, Little Rock; and also between Birmingham, on the one hand, and, on the other, Beaumont, Henderson, Longview, Lufkin, Marshall and Tyler, with third day service between these latter points and the Atlanta terminal. Third day service also is offered between the Atlanta and Birmingham terminals, on the one hand, and, on the other, its San Antonio and Atlanta, Tex., terminals. A review of one week's traffic between the Atlanta and Dallas terminals, the Atlanta and Houston terminals, the Birmingham and Dallas terminals, and the Birmingham and Houston terminals, disclosed a total of 3,759 shipments handled of which 2,958 or 78.7 percent were delivered on time, that is second day or better service.

ETMF is of the opinion it is rendering a reasonably adequate and satisfactory service to the public. It is not operating at

capacity and is striving to obtain additional traffic. It now has the competition of a number of single-line services between its terminal points as well as numerous competitive joint-line services. Any diversion of its present freight which may result from the grant of these applications will impair its ability to continue its present standard of service.

Transcon Lines (Transcon)—
Los Angeles, Calif.

Protest:—All applications except that of Roadway.

Operations:—Transcon is a motor common carrier of general commodities authorized to operate over a network of routes extending between Atlanta and Birmingham in the Southeast through Memphis, Little Rock, Dallas, Fort Worth, Amarillo, Houston, Oklahoma City, Ponca City, Tulsa, St. Louis, Kansas City, Wichita and on to the West Coast; also between points in the New York City, Philadelphia, Wilmington, Baltimore and Washington area through the midwest and southwest points to the West Coast. Its authority to operate between these eastern points and the Southwest on a single-line basis was not acquired until after the hearing on these applications

was begun. Transcon maintains 46 terminals throughout the area and operates 786 tractors and 2,097 trailers in over-the-road service, and 406 straight trucks, 476 tractors and 269 trailers in pickup and delivery service. Its operating revenue for 1966 was over $66 million and for the first quarter of 1967 almost $19 million.

In 1966 Transcon transported 1,942,282 less-than-truckload shipments and only 38,053 truckload shipments. Sixty-seven

percent of its revenue was derived from less-than-truckload freight. Although authorized to serve many points in Arkansas and Oklahoma, Transcon does not offer less-than-truckload service to any points other than Little Rock, Ark., and Oklahoma City, Tulsa and Ponca City, Okla., and their commercial zones. It interlines freight to other points in those States. Similarly, in Georgia and Alabama it generally interlines freight to points beyond the Atlanta and Birmingham area even though it is authorized to serve the points, unless there is a sufficient volume to warrant the operation. Its operation from Atlanta to Kansas City is necessarily by way of Oklahoma City or Tulsa involving some circuity. As a result, Transcon interlines some of that traffic at Memphis with Jones. The average length of haul for Transcon in 1967 was 1,461 miles.

Interest:—Joint-line shipments are a very important portion of Transcon's freight. In 1966, 67 percent of its total shipments were handled in joint-line service producing 51.8 percent of its total operating revenue. At 10 of its terminals involved in these proceedings, namely, Atlanta, Birmingham, Dallas, Houston, Kansas City, Little Rock, Memphis, Oklahoma City, Tulsa and Wichita, Transcon interlined with connecting carriers in the month of May 1967 almost 60 million pounds of freight. This includes 1,217,179 pounds with Bowman and 121,787 pounds with Johnson at Atlanta; 435,635 pounds with Baggett and Floyd & Beasley at Birmingham; 1,026,305 pounds with Herrin, Red Ball and Strickland at Dallas; and 137,591 pounds with Bowman at Memphis.

Freight being handled by Transcon between the southeast and southwest area would be subject to diversion by these applications. The importance of such traffic to Transcon is apparent from the following data reflecting tonnage and revenue involved from such freight for the year 1966.

Tonnage

1966

Atlanta	Weight (Pounds)	Revenue (Dollars)
1. (a) From Atlanta to Dallas and Houston	33,744,555	$ 799,483
(b) From Dallas and Houston to Atlanta	25,914,325	569,545
2. (a) From Atlanta to Memphis, Arkansas, Oklahoma, Missouri and Kansas	40,279,280	813,875
(b) From Memphis, Arkansas, Oklahoma, Missouri and Kansas to Atlanta	31,956,438	714,875
3. (a) From Atlanta to Amarillo	4,385,308	133,822
(b) From Amarillo to Atlanta	1,010,719	28,406
4. (a) From Atlanta to West Coast	63,815,421	3,636,381
(b) From West Coast to Atlanta	52,067,563	3,123,730
Total Atlanta Outbound	142,224,564	$5,383,561
Total Atlanta Inbound	110,949,045	$4,436,556
Birmingham		
1. (a) From Birmingham to Dallas and Houston	5,741,068	$ 104,288
(b) From Dallas and Houston to Birmingham	3,482,514	79,724
2. (a) From Birmingham to Memphis, Arkansas, Oklahoma, Missouri and Kansas	3,540,412	36,367
(b) From Memphis, Arkansas, Oklahoma, Missouri and Kansas to Birmingham	9,678,391	94,464
3. (a) From Birmingham to Amarillo	2,785,135	61,745
(b) From Amarillo to Birmingham	635,731	13,125
4. (a) From Birmingham to West Coast	33,166,550	1,645,397
(b) From Coast to Birmingham	20,449,658	1,180,537
Total Birmingham Outbound	45,233,165	$1,847,797
Total Birmingham Inbound	34,246,294	$1,367,850

Operation between the Eastern Seaboard and the Southwest was not begun until the latter half of 1966. For the month of May 1967 Transcon transported between its Dallas and Houston terminals, on the one hand, and, on the other, its terminals at Richmond, Va., Baltimore, Md., Carlstadt, Metuchen, and Trenton, N. J., Newburgh, N. Y., Philadelphia, Pa., and Wilmington, Del., a total of 3,426,928 pounds producing revenue of $130,938. This traffic too is subject to diversion.

Transcon is of the opinion that it is performing a satisfactory service to the public and is actively soliciting additional freight. A traffic study of shipments handled during certain periods in May 1966 between various of the Transcon terminals depicting the elapsed time from the Transcon billing date to the date the shipment was delivered to the consignee or a connecting line discloses the following data with respect to certain of the key terminals here involved.

Period May 9 through May 21, 1966 except as noted by * which indicates period as May 9 through May 13, 1966.

			Service from Billing Date	
From	To	No. of Shipments	2nd day or better	3rd day or better
Birmingham	Okla. City	245	78.7%	97.1%
"	Tulsa	173	83.8%	97.6%
"	Dallas	131	34.3%	91.6%
Atlanta	Okla. City	446	60.7%	73. %
"	Tulsa	310	77.8%	95.1%
"	Dallas	1,427	86.7%	98.8%
Okla. City	Birmingham	109	67. %	90.8%
Tulsa	"	172	59.9%	86. %
Dallas	"	167	47.3%	85. %
Little Rock	"	4	75. %	75. %
*Okla. City	Atlanta	42	28.6%	52.4%
*Tulsa	"	78	74.3%	92.3%
*Dallas	"	222	74.8%	86. %

Roadway Express, Inc. (Roadway)—
Akron, Ohio

Protest:—All applications except its own.

Operations: See Appendix A-2, pages 6-7.

Briefly Roadway's interconnecting network of regular routes extends along the Eastern Seaboard from Boston through Atlanta to Montgomery, Ala., with service at such major points as Providence, R. I., New Haven, Conn., New York City, Scranton, Harrisburg and Philadelphia, Pa., Baltimore, Md., Richmond, Va., and most major industrial cities and areas in the Carolinas and Georgia; also within the central and southern States serving major industrial cities and areas in upper New York State, Ohio, Michigan, Illinois and Indiana, Milwaukee, Wis., St. Louis, Mo., Nashville, Memphis, and Chattanooga, Tenn., Atlanta, Ga., and Gadsden, Birmingham and Montgomery, Ala.; and also between those areas and the Southwest serving such major points as Kansas City, Tulsa, Oklahoma City, Dallas, Houston, Amarillo and San Antonio, Tex. As noted in Appendix A-2 subsequent to the close of the hearing it acquired control of protestant West Brothers, Inc.

During 1966 Roadway transported a total of 4,996,034 shipments. Of these, 58.9 percent weighed less than 300 pounds and 83.9 percent weighed under 1,000 pounds. Its 119 terminals include its major break-bulk terminals as well as the satellite terminals which for the most part feed through one of the major break-bulk terminals. Direct loading from origin to destination is the usual practice where the volume of freight warrants; otherwise the shipments are routed through one of the break-bulk terminals.

Interest:—A large portion of Roadway's present traffic will be subject to diversion if these applications are granted. For example, in a two week period May 29 through June 11, 1966,

Roadway transported over 16,000 shipments weighing in excess of 13 million pounds moving between Texas points, on the one hand, and, on the other, points in Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island and Massachusetts. All of this traffic would be subject to diversion to one or more of the applicants.

Roadway maintains that this freight is now subject to numerous single- and joint-line competitive services and that Roadway performs a satisfactory service for the public.

Roadway has established certain service standards which it holds out to the public. These are said to be realistic standards which form the major basis for Roadway's incentive monetary awards to its employees. Briefly the Roadway schedules to and from Dallas and Houston are third morning for Alabama, Tennessee and Georgia points with the exception of Atlanta which is second morning. Between Texas points and the satellite terminal points in North Carolina and South Carolina the standard is four days, and three days from or to the major terminals of Greenville, Spartanburg, Charlotte and Winston-Salem. Its schedules are four days between the Texas points and points in Virginia, Kentucky, Maryland, Pennsylvania, New Jersey and the major points in upper New York State. They are five days to and from the satellite upstate New York points and all of New England. Employees at the various terminals responsible for "on time" performance under these standards receive incentive awards on the basis of performance within the standard. In 1966 Roadway paid approximately $3 million in incentive awards. These service standards are constantly reviewed so that they will not be too stringent to destroy the incentive, nor so liberal as to be too costly to the company. A review of the elapsed time from the Roadway billing date to delivery of the

freight to the consignee or connecting carriers for these 16,000 shipments indicates a very substantial on time performance under the Roadway standards.

In addition to the diversion that may result from grant of these applications, it also would result in a further imbalance of the Roadway operation which is now heavy westbound. During the first half of 1967 Roadway operated 157 vehicles empty from Texas eastward to Atlanta or beyond. Loss of any of its eastbound traffic from the Texas origins or connecting points will result in greater imbalance.

Herrin Transportation Company (Herrin)—
Houston, Tex.

Protest:—The Red Ball, Deaton, Floyd & Beasley, Strickland, Baggett and Jones applications.

Operations:—See Appendix A-1, pages A-1-5.

In brief Herrin's authority extends from Dallas-Fort Worth and Houston on the west to Little Rock and Memphis on the north; also through Shreveport, La.,

Jackson, Miss., and Montgomery, Ala., to Columbus, Ga.; and along the Gulf Coast through Beaumont, Port Arthur, New Orleans and Pensacola to Jacksonville, Fla., and Brunswick and Savannah, Ga., on the East Coast. It serves 16 points in Arkansas, 50 in Florida, 125 in Georgia, 237 in Louisiana, 15 in Tennessee and 155 in Texas.

Interest:—A very substantial portion of Herrin's freight will be subject to diversion if these applications are granted. During the last three months of 1966 the freight handled through its various terminals which is considered subject to diversion by these application is as follows:

Herrin Freight Affected by Applications
Period—Oct., Nov., Dec., 1966

From (Terminal)	No. of Shipments	Weight (Pounds)	Herrin Revenue
Dallas	4,794	4,785,017	$ 91,420
Houston	7,970	9,201,446	159,834
Macon	3,984	5,335,721	96,283
Pensacola	467	2,408,350	27,405
Savannah	1,641	2,328,235	48,726
Jacksonville	5,704	6,296,718	130,336
Shreveport	325	876,505	15,351
Monroe	256	302,892	4,967
Baton Rouge	339	2,912,990	22,757
Lake Charles	649	631,535	85,862

ET&WNC Transportation Company (ET&WNC)—
Johnson City, Tenn.

Protest:—The Baggett and Bowman applications.

Operations:—ET&WNC is a motor common cvarrier of general commodities operating over regular routes extending between New York City, Philadelphia, Wilmington, Baltimore and Washington on the north and east, Little Rock, Ark., on the west, and Greenwood and Greenville, Miss., on the south, serving points in North Carolina, South Carolina and Tennessee, northwest Georgia, northwest Alabama,

western Mississippi and northeastern Arkansas. It maintains 33 terminals including 14 in Tennessee, 7 in North Carolina, 4 in Mississippi, 2 each in South Carolina and Arkansas and 1 each in Alabama, Maryland, Pennsylvania and New York. It operates 271 tractors, 539 trailers and 133 pickup and delivery trucks. Its operating revenue for 1966 was over $11.5 million.

Interest:—ET&WNC protests the Bowman proposal to serve Little Rock and Jonesboro, Ark., and Greenwood and Greenville, Miss., and its proposal to serve points west of Memphis involving freight which ET&WNC handles on an interline basis primarily through its Memphis terminal. Its protest of the Baggett application includes primarily the proposal to serve between certain points in Texas and Louisiana, on the one hand, and Chattanooga and points in north Alabama common to both carriers, on the other. Those points include Florence, Tuscumbia, Muscle Shoals, Sheffield and Scottsboro.

A large portion of the freight which is handled by ET&WNC either single-line or joint-line will be subject to diversion if these applications are granted. During the month of May 1966 ET&WNC transported some 2,747 shipments weighing over 2 million pounds to or from the following of its terminals which would be subject to diversion.

ET&WNC Freight Subject to Diversion by Bowman & Baggett Applications—May 1966

ET&WNC Terminal	No. of Shipments	Weight (Pounds)
Little Rock, Ark.		
Outbound	450	216,699
Inbound	617	734,747

ET&WNC Terminal	No. of Shipments	Weight (Pounds)
Jonesboro, Ark.		
Outbound	69	19,495
Inbound	74	76,077
Greenville, Miss.		
Outbound	176	193,337
Inbound	128	177,040
Greenwood, Miss.		
Outbound	96	34,204
Inbound	102	64,783
Memphis, Tenn.		
Outbound	600	102,535
Inbound	435	546,921

This is valuable and necessary traffic and any loss will adversely affect ET&WNC. Additionally, ET&WNC has the equipment and facilities to handle increased tonnage over its lines.

United Motor Freight Terminal, Inc. (United)— Birmingham, Ala.

Protest:—The Herrin, Red Ball, Floyd & Beasley, Strickland, Johnson and Jones applications.

Operations:—United is a motor common carrier of general commodities operating over regular routes between Atlanta and Birmingham serving intermediate points and off-route points within 15 miles of Atlanta and those within 5 miles of Birmingham. It maintains terminals at Atlanta, Ga., Birmingham,

Anniston and Heflin, Ala. It operates 48 trailers, 14 over-the-road tractors, 17 city tractors and 31 pickup trucks. During 1966 it transported 143,809 less-than-truckload shipments and 2,122 truck-load shipments, and its operating revenue was over $1.3 million. United has interline arrangements with 39 connecting carriers at Atlanta and 35 at Birmingham. Over 60 percent of its traffic is interlined.

United holds out overnight service between Atlanta and Birmingham, operating about six schedules per day from Birmingham to Atlanta and eight or nine in the reverse direction from Atlanta to Birmingham. This imbalance has necessitated the return of 8 to 10 empty vehicles per week from Birmingham. During two different one week test periods United transported an aggregate of 1,264 shipments from Birmingham to Atlanta of which 86.8 percent received overnight service, and 96.8 percent were delivered by the second day. In the same periods United transported an aggregate of 3,978 shipments from Atlanta to Birmingham of which 95.6 percent received overnight service and 98.6 percent were delivered by the second day.

Interest:—Three of the applicants (Strickland, Red Ball and Jones) propose a service between Atlanta and Birmingham which will be directly competitive with that of United. In addition, United interlines substantial freight moving to or from Louisiana and Texas points much of which traffic will be subject to diversion to the proposed single-line services of the applicants. For some years United has worked closely with Mercury Freight Lines which operates between Birmingham, on the one hand, and, on the other, Dallas, Fort Worth, Houston and Beaumont, holding out to the public a third day

service from Atlanta to these Texas points on less-than-truckload freight. A review of the shipments during the previously

noted two one week test periods, disclosed that of the 214 shipments transported by the Mercury Freight/United joint-line service from Texas points to Atlanta, 66.8 percent were delivered on time (within the third day) and 93 percent were delivered by the fourth day.

United is a relatively small short line (approximately 165 miles) carrier which now has substantial single-line competition for freight moving between Atlanta and Birmingham and also single-line competition for its joint-line services in connection with freight moving between Atlanta and the Texas points. It is in a position to handle additional freight. Any diversion of its traffic will adversely affect United and its ability to continue quality service, particularly at the small communities between Birmingham and Atlanta. A further imbalance of its traffic flow which may result from such diversion also will be detrimental to United.

Red Ball Motor Freight, Inc. (Red Ball)—Dallas, Tex.

Protest:—The Herrin, Roadway, Deaton, Floyd & Beasley, Strickland, Baggett, Bowman and Johnson applications.

Operations:—See Appendix A-3, pages A-8-10.

In brief Red Ball is a motor common carrier of general commodities operating over a network of routes within the States of New Mexico, Colorado, Texas, Oklahoma, Louisiana, Arkansas, Tennessee, Mississippi, Alabama, Kansas and Missouri. It operates 654 tractors, 1,591 trailers, and 712 pickup trucks. Its operating revenue in 1966 was over $41.6 million (73 percent of which was derived from less-than-truckload freight and 27 percent from truckload). It operates 93 terminals throughout its routes and serves 136 points in Arkansas, 24 in Alabama, 630 in Louisiana (153 of which are intrastate only), 541 points in Texas, 112 points in Colorado, 83 points

in New Mexico, and Kansas City, Kans.-Mo., and Memphis, Tenn. It maintains interline arrangements with a large number of carriers at various points on its routes including most of the applicants.

Interest:—Applicants are proposing competitive single-line services between, points which Red Ball now serves. In addition, they propose services between Atlanta and Birmingham and points now served by Red Ball which duplicate the proposal of Red Ball as an applicant. It is Red Ball's position that its present services are

adequate and satisfactory to meet any public need. Red Ball holds out to the public a second day service between Dallas, Tex., and Jackson, Miss.; also between Mobile, New Orleans and Baton Rouge, on the one hand, and, on the other, Houston, Beaumont, Port Arthur, Orange and Dallas; and also between Memphis, on the one hand, and, on the other, Dallas, Houston, New Orleans, Kansas City and Baton Rouge. It offers a first day service between Dallas, on the one hand, and, on the other, Monroe and Shreveport, La., El Dorado and Crossett, Ark., Jackson, Miss., and Baton Rouge, La. During the two months of March and July 1967 Red Ball transported an aggregate of 4,797 shipments from Dallas to Jackson, Miss., of which 85.2 percent received on time delivery to consignees or connecting carriers (not more than second day service) and 97.5 percent were delivered by the third day. In July 1967 Red Ball transported 432 shipments from Baton Rouge to Memphis delivering 85.6 percent on time (by the second day) and 93.5 percent by the third day. Data exhibiting service performance between other points was not furnished.

Red Ball expresses the view that if additional authority is to be granted for single-line service between Atlanta and Birmingham, on the one hand, and points in Louisiana, Mississippi,

Arkansas, Texas, Kansas and Missouri, on the other, as sought by these applicants. Red Ball is the appropriate receipient of such authority because of its extensive coverage of cities and communities in these States and its ample terminal and operating facilities and financial resources which would enable it to provide single-line services far more extensive in the southwest territory than those proposed by any of the other applicants.

Ryder Truck Lines, Inc. (Ryder)—Jacksonville, Fla.

Protest:—All applications.

Operations:—Ryder is a motor common carrier of general commodities operating over a network of routes extending between Miami, Fla., New Orleans, La., and Houston, Tex., on the south, Shreveport, La., Memphis, Tenn., and St. Louis, Mo., on the west, Milwaukee, Wis., Chicago, Ill., Indianapolis, Ind., Cincinnati, Ohio and Roanoke, Va., on the north, and Raleigh and Charlotte, N. C., and Jacksonville, Fla., on the east. Since April 1966 Ryder has controlled Harris Express, Inc. (Harris), who also is a motor common carrier of general commodities with regular routes extending between the New York City area on the north and Greenville, S. C., on the south by way of Philadelphia, Baltimore,

Charlotte and Greensboro, N. C., among other important points. It is also authorized to serve substantial areas in North Carolina, South Carolina, Pennsylvania and New Jersey.

Prior to August 1965, Ryder was owned by Ryder System, Inc. Since that time it has been owned by International Utilities, Inc., which in turn is owned by International Utilities Corporation. Following the change in ownership there have been a number of changes in management and operations.

Ryder operates 568 over-the-road tractors, 1,742 over-the-road trailers, 499 pickup trucks, 627 pickup tractors and 549 pickup trailers. Harris Express operates 50 over-the-road tractors, 136 over-the-road trailers, 26 pickup tractors, 6 pickup trailers and 25 pickup trucks. Ryder's operating revenue for the first six months of 1967 was about $28 million. Ryder operates 60 terminals and 18 agency terminals on its routes, and Harris operates 10 terminals.

Ryder handles mainly less-than-truckload shipments and where the volume of freight warrants it operates direct schedules between its terminals. Where the traffic volume does not warrant, it will operate through one of its break-bulk terminals for the purpose of consolidating freight. It serves much of its territory through the operation of peddle runs to the smaller towns and communities near its terminals. At times it also interlines freight with other carriers to some points it is authorized to serve directly where, considering the volume and flow of traffic involved, such interline service will result in a faster and more satisfactory handling of the freight. It maintains connecting line concurrences with many carriers but for the most part limits participation in through rates to two line hauls.

Interest:—Ryder opposes the portions of these 10 applications that would enable the applicants to operate between points in Texas, Louisiana or Mississippi, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Tennessee and Alabama; also between points in Louisiana, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio and Wisconsin; and between Memphis and Altanta, Ga., or points in Florida. In connection with its operation of Harris Express, it is also opposed to the applications (particularly those of Bowman, Roadway and Johnson) which will enable those carriers to operate between the Harris terri-

tory in New York, New Jersey, Pennsylvania, the District of Columbia, Maryland, Delaware,

Virginia, North Carolina and South Carolina, on the one hand, and, on the other, points sought to be served in Louisiana, Mississippi and Texas that are served by Ryder.

During a one week test period in March 1966 Ryder transported some 7,258 shipments weighing over 8.9 million pounds between certain points on its routes in the area most involved in these applications. All of this freight is considered to be subject to diversion if these applications are granted. On an annual basis Ryder estimates that this volume of freight subject to diversion will amount to approximately $7.5 million in revenue to Ryder. This is exclusive of any of the Harris shipments which would be affected by these applications.

Ryder has established certain service standards which it holds out to the public. These standards are applicable not only to the terminal cities specified but also to the areas served by those terminals. For example, the Houston terminal also serves Texas City and Galveston. As related to these applications the service standards (in days) are as follows:

SERVICE STANDARDS OF RYDER TRUCK LINES, INC. BETWEEN AREAS INVOLVED IN THE INSTANT APPLICATIONS

Between	Houston, Tex.	All Other Texas Terminals	New Orleans La.	Baton Rouge, La.	All Other Louisiana Terminals	Jackson, Miss.	Meridian, Miss.	All Other Mississippi Terminals	Memphis, Tenn.
Charlotte, N. C.	3	4	3	3	4	3	3	3	3
All other N. C. terminals	4	4	4	4	4	4	4	4	4
Greenville, S. C.	3	4	3	3	3	3	3	3	3
Atlanta, Ga.	3	4	2	2	3	2	2	3	2
All other Georgia terminals	4	4	3	3	4	3	3	4	3
Jacksonville, Fla.	4	4	3	4	4	3	3	4	2*/3**
Miami, Fla.	3	4	4	3	4	3	3	4	3*/4**
Tampa, Fla.	3	4	4	2	4	3	3	4	3*/4**
All other Florida terminals	4	4	4	3	4	4	4	5	3*/4**
Nashville, Tenn.	3	4	3	3	4	3	3	4	1
Chattanooga, Tenn.	3	4	3	3	4	3	3	4	2
Knoxville, Tenn.	4	4	3	3	4	3	3	4	2
All other Tennessee terminals	4	4	3	4	4	4	4	4	2
Birmingham, Ala.	3	3	2	2	3	2	2	2	—
All other Alabama terminals	4	4	3	3	4	2	2	3	1
Eastern terminals	5	5	5	5	5	5	5	5	5
Ill., Ind., Ky., Ohio & Wis. terminals	4	4	3	3	4	3	3	4	2

* Southbound Standard.

** Northbound Standard.

An analysis of the 7,258 shipments during the one week test period discloses on time service performance ranging from a low of 80.5 percent to a high of 90.9 percent and an overall average of 86.4 percent, on the basis of the Ryder standards. Some of the shipments involved in this study were interlined by Ryder to destination even though Ryder is authorized to serve the point directly. The time computation includes only the time from Ryder's billing date to delivery to consignee or connecting line carriers. The number of shipments moving between the areas involved in the study and the performance is as follows:

ANALYSIS OF SERVICE PERFORMANCE OF RYDER TRUCK LINES, INC., ON SHIPMENTS BETWEEN CERTAIN AREAS DURING PERIOD OF MARCH 13 THROUGH 19, 1966

Between	Texas		Louisiana		Mississippi		Memphis	
	Number of Shipments	Percent On Time	Number of Shipments	Percent On Time	Number of Shipments	Percent On Time	Number of Shipments	Percent On Time
North Carolina	891	89.7%	589	85.7%	185	83.9%		
South Carolina	326	83.7%	131	81.7%	32	81.3%		
Georgia	649	87.5%	607	85.0%	99	81.8%	389**	85.6%**
Florida	927	87.1%	76	82.9%	55	81.5%	757	85.7%
Tennessee	251	84.5%	394	88.4%	93	83.9%		
Alabama	208	90.9%	457	87.5%	55	85.5%		
Ill., Ind., Ky., Ohio & Wis.			87*	80.5%*				

* To and from Baton Rouge and New Orleans, La., only.

** To and from Atlanta, Ga., only.

Although Ryder experienced some pickup difficulties and delays in the fall of 1965 after the merger of the Hoover Motor Express Company and the consolidation of terminal facilities of Hoover and Ryder at Atlanta, those problems appear to have been solved. A record of requests for pickup service during two weeks in March and one week in April 1967 indicates a total of 5,820 pickups scheduled, of which 5,736 or 98.6 percent were made.

Ryder believes that diversion of a substantial portion of its freight which may result from a grant of these applications will cause a decrease in its number of direct schedules between important service centers, will result in deterioration of its service to the public, and will adversely affect its financial status.

Braswell Motor Freight Lines, Inc. (Braswell)—
Dallas, Tex.

Protest:—All applications.

Operations:—Braswell is a motor common carrier of general commodities authorized to operate over regular routes extending from Los Angeles on the west by way of Phoenix, Tucson, El Paso to Houston, Tex., on the south; also by way of Fort Worth-Dallas and Shreveport to Memphis, Tenn., Jackson, Miss., and Baton Rouge and New Orleans, La., on the east; also between Houston and Oklahoma City and Tulsa by way of Dallas-Fort Worth; between New Orleans and Oklahoma City and Tulsa by way of Shreveport; and between New Orleans and Memphis by way of Jackson or Vicksburg. Braswell also is authorized to operate between points in Oklahoma, on the one hand, and, on the other, St. Louis, Mo., and points in central and eastern Illinois including Chicago.[10]

[10] At the time of the hearing in these proceedings the Commission had granted Braswell authority for the extension of its regular

Braswell has 34 terminals including 15 in Texas, 7 in Louisiana, 4 in Oklahoma, 3 in each Mississippi and Arizona, and 1 each in California and Tennessee. It operates 177 line-haul tractors, 316 line-haul trailers, 64 pickup tractors, 53 pickup trailers, and 152 straight trucks. Its operating revenue for 1966 was approximately $11.5 million. About 40 percent of its tonnage is interline freight.

Interest:—During the year 1966 (prior to instituting any service under its certificate authorizing an extension of operation between Jackson and Atlanta and Birmingham) approximately 25.7 percent of the tonnage transported by Braswell producing about 16 percent of its total operating revenue would have been subject to diversion if these applications had been granted. This tonnage is comprised of freight moving between the following points:

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routes from Jackson, Miss., by way of Birmingham, Ala., to Atlanta, Ga., with service also at Gadsden, Ala., and Rome, Ga.; and from Jackson by way of Meridian, Miss., Montgomery, Ala., and Columbus, Ga., to Atlanta serving intermediate points. However, service had not been intiated under that grant of authority pending termination of a certain civil litigation pertaining to the Commission decision. That litigation has been ended upholding the Commission's grant of the authority. Under the new certificate, Braswell proposes to serve some additional 141 points in Mississippi, Alabama and Georgia and establish a number of terminals in that area.

Braswell Freight Subject to Diversion—1966
System Totals:

Tonnage: 477,298,858 pounds

Revenue: $11,542,495.81

Terminal	Tonnage (Pounds)	Revenue
Fort Worth to		
New Orleans	9,071,597	$136,485.43
Jackson	2,551,656	46,210.05
Memphis	1,156,867	24,967.53
Dallas to		
New Orleans	11,404,109	$226,242.49
Jackson	6,337,214	139,949.72
Memphis	2,979,516	62,403.12
Houston to		
Jackson	1,506,826	$ 25,315.36
Memphis	1,113,260	19,998.49
Shreveport to		
Jackson	1,325,919	$ 19,320.87
Memphis	1,049,486	18,441.87
Monroe to		
Jackson	28,770	$ 3,107.13
Memphis	2,921,903	22,576.00

Terminal	Tonnage (Pounds)	Revenue
Jackson to		
Fort Worth	1,299,588	$ 23,349.29
Dallas	7,218,988	127,343.56
Houston	1,413,704	27,973.65
Shreveport	1,050,695	13,180.84
Monroe	537,457	7,266.98
Memphis	1,838,375	27,506.00
Memphis to		
Fort Worth	1,124,875	$ 20,564.55
Dallas	6,636,569	108,827.88
Houston	2,778,958	48,621.24
Shreveport	4,194,428	57,948.91
Monroe	4,598,838	69,852.61
Baton Rouge	3,623,224	56,665.88
New Orleans	11,445,006	155,256.47
Jackson	4,759,652	60,189.69
Baton Rouge to		
Memphis	5,414,593	$ 38,341.94
New Orleans to		
Memphis	8,554,574	$105,959.76
Fort Worth	2,579,605	35,744.93
Dallas	12,170,430	147,882.14

Braswell's protest of the applications is based not only upon this freight diversion, but also upon the diversion which may result from the proposed services which will be competitive with its extended operations to Mississippi, Alabama and Georgia points. It urges that its services have been satisfactory to the public as evidenced by the lack of complaints against it. Braswell's schedules offered to the public for example, include first day service between Jackson, Miss., on the one hand, and, on the other, Baton Rouge, New Orleans, Dallas and Shreveport, and second day service between Jackson and Houston, Oklahoma City or Tulsa; also first day service is offered between Memphis and New Orleans, and second day service between Memphis, on the one hand, and, on the other, Dallas, Oklahoma City and Tulsa.

APPENDIX W

The Order of the Interstate Commerce Commission Dated October 6, 1972, Denying Petitions Seeking a Declaration by the Commission that Herrin Transportation Company Extension—Atlanta, Georgia, Involved an Issue of General Transportation Importance

Service Date
October 6, 1972

ORDER

At a General Session of the **Interstate Commerce Commission**, held at its office in Washington, D. C., on the 2nd day of October, 1972

No. MC-1124 (Sub-No. 206)

HERRIN TRANSPORTATION COMPANY EXTENSION—ATLANTA, GA.
(Houston, Tex.)
(Reentitled)

McLEAN TRUCKING COMPANY EXTENSION—ATLANTA, GA.
(Winston-Salem, N. C.)

No. MC-2229 (Sub-No. 132)

RED BALL MOTOR FREIGHT, INC., EXTENSION—ATLANTA, GA.
(Dallas, Tex.)

No. MC-11207 (Sub-No. 233)

DEATON TRUCK LINE, INC., EXTENSION—DALLAS, TEX.
(Birmingham, Ala.)
(Reentitled)

DEATON, INC., EXTENSION—DALLAS, TEX.
(Birmingham, Ala.)

No. MC-18088 (Sub-No. 36)

FLOYD & BEASLEY TRANSFER COMPANY, INC., EXTENSION—DALLAS, TEX.
(Sycamore, Ala.)

No. MC-59680 (Sub-No. 147)

STRICKLAND TRANSPORTATION CO., INC., EXTENSION—ATLANTA, GA.
(Dallas, Tex.)

No. MC-76177 (Sub-No. 304)

BAGGETT TRANSPORTATION COMPANY EXTENSION—DALLAS, TEX.
(Birmingham, Ala.)

No. MC-94201 (Sub-No. 56)

BOWMAN TRANSPORTATION, INC., EXTENSION—DALLAS, TEX.
(East Gadsden, Ala.)

No. MC-106401 (Sub-No. 18)

JOHNSON MOTOR LINES, INC., EXTENSION—DALLAS, TEX.
(Charlotte, N. C.)

No. MC-111231 (Sub-No. 67)

JONES TRUCK LINES, INC., EXTENSION—ATLANTA, GA.
(Springdale, Ark.)

Upon consideration of the consolidated record in the above-entitled proceedings, and of:

(1) Joint petition of East Texas Motor Freight Lines, Inc., Mercury Freight Lines, Inc., Roadway Express, Inc., and Roadway Express, Inc., of Miss., protestants, filed September 20, 1972, for a determination and announcement that the proceedings involve an issue of general transportation importance;

(2) Joint petition of Campbell Sixty-Six Express, Inc., ET& WNC Transportation Company, Gordons Transports, Inc., and Red Line Transfer & Storage Company, Inc., protestants, filed September 21, 1972, for a determination and announcement that the proceedings involve an issue of general transportation importance:

(3) Joint petition of Transcon Lines, T.I.M.E.-DC, Inc., Consolidated Freightways, Yellow Freight System, Inc., and Holloway Motor Express, Inc., protestants, filed September 21, 1972, for a determination and announcement that the proceedings involve an issue of general transportation importance:

(4) Petition of applicant in No. MC-76177 (Sub-No. 304), filed September 21, 1972, for a determination and announcement that the proceedings involve an issue of general transportation importance:

and good cause appearing therefor:

It is ordered, That the pleadings to the extent they relate to No. MC-111231 (Sub-No. 67), be, and they are hereby, rejected, as inappropriate.

It is further ordered, That the petitions in all other respects be, and they are hereby, denied, for the reason that, in the judgment of the Commission, no issue of general transportation importance is involved.

By the Commission.

Robert L. Oswald
Secretary

(Seal)

APPENDIX X

Order and Judgment of the United States District Court for the Western District of Arkansas, Fort Smith Division, in Arkansas—Best Freight System, Inc., et al. v. United States of America and Interstate Commerce Commission and Red Ball Motor Freight, Inc., et al., entered September 11, 1973 (originally printed as Appendix J in the Joint Appendix to Jurisdictional Statements, Pages 739-794, Inclusive. Reprinted in Full Herein).

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

(Filed September 11, 1973)

No. FS-72-C-65

ARKANSAS-BEST FREIGHT SYSTEM, INC., an Arkansas Corporation; MERCURY MOTORS, INC., an Arkansas Corporation; ALAMO EXPRESS, INC.; BRASWELL MOTOR FREIGHT LINE, INC.; CAMPBELL SIXTY-SIX EXPRESS, INC.; CENTRAL FREIGHT LINES, INC.; ET&WNC TRANSPORTATION COMPANY; EAGLE MOTOR LINES, INC.; GORDONS TRANSPORTS, INC.; HOLLOWAY MOTOR EXPRESS, INC.; MERCURY FREIGHT LINES, INC.; RED ARROW FREIGHT LINES, INC.; RED LINE TRANSFER & STORAGE COMPANY, INC.; T.I.M.E.-D.C., INC.; TRANSCON LINES, YELLOW FREIGHT SYSTEM, INC.,

Plaintiffs,

ROADWAY EXPRESS, INC.; ROADWAY EXPRESS, INC., OF MISSISSIPPI, JACK COLE-DIXIE HIGHWAY COMPANY,

Intervening Plaintiffs.

v.

UNITED STATES OF AMERICA and INTERSTATE COMMERCE COMMISSION,

Defendants.

RED BALL MOTOR FREIGHT, INC., JOHNSON MOTOR LINES, INC.; BOWMAN TRANSPORTATION, INC.; LORCH-WESTWAY CORPORATION,

Intervening Defendants.

Before MEHAFFY, Circuit Judge, and MILLER and WILLIAMS, District Judges.

JOHN E. MILLER, Senior District Judge.

The plaintiffs, 19 in number, bring this action to set aside, vacate, suspend, enjoin and annul that portion of the order of the Interstate Commerce Commission (ICC) that authorizes the issuance of a Certificate of Public Convenience and Necessity to Red Ball Motor Freight, Inc., in Docket No. MC-2229 (Sub-No. 132), to Bowman Transportation, Inc., in Docket No. MC-94201 (Sub-No. 56), and to Johnson Motor Lines, Inc., in Docket No. MC-106401 (Sub-No. 18) (hereinafter referred to as Red Ball, Bowman and Johnson, respectively, or applicants collectively). The applications were consolidated with others under Docket No. MC-1124 (Sub-No. 206) which was initially entitled "Herrin Transportation Company, Extension—Atlanta, Ga.," and was re-entitled "McLean Trucking Company, Extension— Atlanta, Ga."

This action was commenced pursuant to 28 U.S.C.A. § 1336, conferring jurisdiction upon this court, and §§ 2284 and 2321 through 2325, inclusive, of said Title, together with 49 U.S.C.A. §§ 305(g), 305(h), and 5 U.S.C.A. §§ 701 through 706, the Administrative Procedure Act, all providing for the procedure herein.

Venue exists under 28 U.S.C.A. § 1938, since plaintiffs Arkansas-Best Freight System, Inc., and Mercury Motors, Inc., are residents of and maintain their principal offices and places of business in Fort Smith, Arkansas.

On October 12, 1972, Red Ball, upon motion was allowed to intervene as a party defendant, and on October 12 it filed its original answer, and on December 4, 1972, filed its first amended answer. In the first amended answer, it alleged that the Commission entered an order on October 6, 1972, deny-

ing the petitions of plaintiffs seeking a finding that an issue of general transportation importance is involved in the proceeding.

On October 12, 1972, the court, upon motion, allowed Johnson to intervene as a defendant, and on the same day it filed its answer in which it denied that certain of the plaintiffs had appeared as protestants in opposition to the granting of the operating authority applied for by it.

On October 25, 1972, Bowman, upon motion, was allowed to intervene as a defendant, and on the same date it filed its answer, in which it alleged that certain of the plaintiffs did not file a petition for reconsideration in the proceedings.

On October 31, 1972, the court, upon motion, granted Roadway Express, Inc., and Roadway Express, Inc., of Mississippi permission for leave to intervene as plaintiffs.

On November 1, 1972, the court allowed a group of shippers, 41 in number, who had appeared as witnesses before the Commission on behalf of the Johnson application, to intervene in support of the application.

On December 4, 1972, defendants USA and ICC filed their joint answer.

On January 2, 1973, the court, upon motion, granted Jack Cole-Dixie Highway Company leave to intervene in support of the plaintiffs' complaint.

The authority granted Red Ball, Bowman and Johnson authorizes such carriers to extend their existing operations in the transportation of general commodities by motor vehicle over regular routes between specific points, generally in the Southeastern and Southwestern portions of the United States. Each plaintiff and intervening plaintiff is a motor carrier that participated in the proceedings before the Commission as a protest-

ant in opposition to one or more of the applications granted by the Commission.

Promptly after the filing of the complaint, a hearing was held before Senior District Judge John E. Miller on plaintiffs' application for a temporary restraining order suspending the operation of the Commission's orders pending a final hearing and determination of this action. The temporary restraining order was issued pursuant to 28 U.S.C.A. § 2284(3). *Arkansas-Best Freight System, Inc. v. United States*, 350 F.Supp. 539 (1972).

After extensive briefs had been filed by all parties, plaintiffs sought to supplement their complaint so as to seek review of orders of the Commission issued subsequent to the filing of the initial complaint. The subsequent orders granted operating authority to a fourth motor carrier, Jones Truck Lines, Inc., on its application heard as a part of the consolidated proceeding that resulted in the issuance of authority to Red Ball, Bowman and Johnson. Jones Truck Lines, Inc., Extension—Atlanta, Ga., 117 M.C.C. 586. The motion to file the supplemental complaint was denied, after a full hearing before the court. (Appendix A.)

In 1965, the Commission published notices describing the filing of a number of extensive motor carrier applications. Following a pre-hearing conference, ten out of twenty-one applications considered at the conference were selected for hearing on a consolidated record. These applications involved an extensive network of routes extending generally across the Southeastern and Southwestern portions of the country. Carriers operating predominantly in the Southeast sought to extend their operations into the Southeast. Carriers operating in the Southwest sought extensions into the Southeast. Most of the applications were filed within a short period of time and it is obvious that some were primarily defensive in nature. For example, applications by Southeastern carriers to serve major points in the Southwest were met by applications by Southwestern carriers to operate

over the same routes to serve points in the Southeast presently served by the Southeastern applicants. Initially, each applicant, including Red Ball, Bowman and Johnson, opposed the other applications that sought to duplicate their own routes, but in prosecuting their applications, the various applicants adopted different strategies. Some concentrated on their role as protestants in opposition to the others. Some, including Bowman (a Southeastern carrier), abandoned their role as protestants and concentrated on their role as applicants. Johnson (a Southeastern carrier) emphasized its role as applicant, but remained as a protestant in other proceedings. Red Ball (a Southwestern carrier) maintained its dual role of applicant and protestant throughout the proceeding, dividing its presentation of evidence accordingly.

The consolidated proceeding was assigned for hearing before two Hearing Examiners (now termed Administrative Law Judges) who conducted hearings over a period of eighteen months in Washington, D.C., Atlanta, Ga., Dallas and Houston, Texas., New Orleans, La., Kansas City, Mo., Tulsa, Okla., and Memphis, Tenn., such cities (other than Washington) being located on the various routes involved in the applications. The hearing resulted in "what is perhaps the most extensive record ever developed in connection with a single group of motor carrier application proceedings before this Commission." 114 M.C.C. at 573. The transcript of testimony covers 23,423 pages, and there are 1,989 exhibits. A total of 950 witnesses testified on behalf of the ten applicants, including 933 public witnesses engaged in shipping or receiving freight by motor carrier.

A total of 66 rail and motor carriers entered appearances in opposition to the applications. Forty-eight of the protestants offered evidence through the testimony of 62 witnesses and numerous exhibits.

Extensive briefs were filed before the Examiners. These briefs included two sets of detailed abstracts of the evidence,

one submitted jointly on behalf of Bowman, Johnson and Jones; the other submitted jointly on behalf of various applicants and protestants, including Red Ball and plaintiffs. The two sets of abstracts are strikingly similar and provide an accurate summary of the evidence of record.

The parties required seven months for the preparation of their post-hearing briefs, following which the Examiners issued their report and recommended order on November 19, 1969, twenty-seven months after the close of the hearing. The Examiners concluded that none of the applicants had established that its application was justified by the public convenience and necessity, concluding, instead, that approval of any of the applications would result in a deterioration rather than an improvement of existing carrier service, contrary to the public interest. They recommended, therefore, the denial of all applications.

On the day preceding the extended due date for the filing of exceptions to the Examiners' report, a petition was filed with the Commission in the name of forty-one shippers that had testified at the hearing in support of the Johnson application. This petition sought to intervene in support of Johnson and to file exceptions challenging the Examiners' denial of that application. Seven days later, before replies thereto could be filed, the Commission entered an order granting such petition and accepting such exceptions, *nunc pro tunc*. Vigorous objection to such action, advanced by numerous protestants, was subsequently denied by the Commission.

Eight applicants filed exceptions to the Examiners' report. Some protestants filed conditional exceptions, taking issue only with the failure of the Examiners to make certain findings of fact. Replies to the exceptions were filed by numerous parties.

Twenty-five months after the Examiners' report, Division 1, composed of three of the eleven Commissioners, issued a report

granting the applications of Red Ball, Bowman and Johnson, and sustaining the Examiners' denial of the remaining applications. 114 M.C.C. 571. The grant to Bowman exceeded, in certain respects, the authority described in its application. The Commission, accordingly, required that an additional notice be published in the Federal Register describing such grant.

Pursuant to the Commission's Rules of Practice, extensive petitions seeking reconsideration of the Division 1 report were filed on behalf of numerous protestants and most of the unsuccessful applicants. Twelve working days after replies thereto were filed, all petitions challenging the grants to Red Ball, Bowman and Johnson were denied by a two-to-one vote of the Commission's Division 1, then acting in an appellate capacity. This order also overruled petitions of Arkansas-Best Freight and others, filed pursuant to the publication of notice of the Bowman grant, seeking leave to intervene, reopening for further hearing, and reconsideration in light of evidence to be adduced at the further hearing. The same order also denied the petitions of the unsuccessful applicants other than Jones, but reopened the Jones application for further consideration on the existing record. Subsequent to the filing of this suit, the same Division, again by two-to-one vote, reversed its prior decision and granted the Jones application with certain modifications. Jones Truck Lines, Inc., Extension—Atlanta, Ga., supra.

The Commission's disposition of the Red Ball, Bowman and Johnson applications became administratively final with the entry of the order overruling protestants' petitions for reconsideration, whereupon this suit was promptly instituted by the leading protestant carriers. Subsequently, the Commission denied various petitions requesting the Commission to find on its own motion that the proceeding was one involving an issue of general transportation importance.

Extensive and thorough briefs have been submitted to the court in support of the respective contentions of the parties in

interest and proposed findings of fact and conclusions of law have been received, which the court has studied, along with a great many of the exhibits and the Report of the Examiners and the Division 1 Report.

After full consideration of the contentions of all the parties, the pertinent portions of the entire record, and the proposed findings of fact and conclusions of law submitted by the parties, the court is convinced that the proposed findings and conclusions submitted and requested by plaintiffs are correct, and they are adopted by the court as hereinafter set forth.

The Examiners' Report

All parties, in their briefs and pleadings, acknowledged that the Examiners were among the most experienced on the Commission's staff. Their 300-page report consisted of a summary of their findings and conclusions, together with a series of appendices embodying extensive, detailed findings of fact. As summarized in the Examiners' Report, the ten applicants proposed to extend their operations into new areas so as to handle traffic, in direct service, moving between points that they presently serve and points that they propose to serve. Bowman and Johnson, for example, then operated primarily in the Eastern Seaboard states and sought to extend their operations over described routes so as to serve new points located west of their existing territory. The principal routes sought by Johnson extended from Atlanta to the Dallas-Ft. Worth area, and from New Orleans to Houston. Johnson sought to serve the principal cities along these routes in Mississippi, Louisiana and Texas. Bowman sought to extend its routes from Alabama to Dallas-Ft. Worth and to Houston, duplicating basically the Johnson proposal, and, in addition, proposed other routes extending across Mississippi, Arkansas and Missouri, with the northern route terminating at Topeka, Kansas. Red Ball's existing authority extended over large areas in the Southwest. It

sought to extend its routes from Jackson and Greenville, Mississippi, eastward to Birmingham and Atlanta. The application of the other Southeastern carriers basically duplicated that of Johnson, and the applications of the remaining Southwestern carriers basically duplicated that of Red Ball.

None of the applicants proposed to provide service to any point not presently served by multiple motor carriers. Each sought only to provide additional service to that presently available. Each proposed a limited "overhead" type of service to the major cities only along their proposed routes on long-haul traffic moving to or from points presently served by each applicant. No "local" traffic [i.e., traffic from one point to another on the proposed routes] would be handled, and no service would be rendered to the smaller towns and communities along the proposed routes.

Each applicant presented "operating testimony" designed to demonstrate its willingness and ability to perform its proposal. A large number of shippers and receivers of freight were then presented to support applicants' contentions that there is a public need for the proposed service. Each applicant proposed to perform service within prescribed periods of time, referred to as "transit time." Each sought to establish that its proposed transit times are less than the transit times actually experienced by its witnesses in the shipping and receiving of freight. Most shippers generally expressed dissatisfaction with inconsistent and excessive transit times. They also expressed other criticisms of existing service, including the pickup and delivery of shipments. It was also shown that certain carriers maintain various types of formal or informal restrictions as to certain types of traffic, while others fail to render consistent service to authorized points, primarily the smaller towns and off-route points in the area. Much of the traffic involved in the proposals moved over extremely long distances and throughout wide geographical areas. Bowman and Johnson, for example,

operated from New England to the Southeast and proposed extensions into the Southwest and Midwest. Red Ball operated from as far west as Denver and proposed an extension to Atlanta. The proposals of other applicants were equally extensive. Although, between many points, direct or "single-line" service is available, most points, particularly the most distant points, are joined only by "joint-line" service involving an interchange or interline between two or more connecting carriers. Most of the criticism involving existing service centered around delays and uncertainties inherent in joint-line service. The applicants emphasized their proposal to reduce the amount of joint-line service required for the handling of movements between the involved points.

Approximately one-half of the Examiners' 300-page report consisted of detailed findings of fact based upon the evidence presented by the public witnesses. These findings were grouped or separated by the Examiners in accordance with the various types of freight shipped by the witnesses. The commodities involved in such testimony covered a wide spectrum, as evidenced by the Examiners' classification of such freight into forty-five categories. Although, on exceptions, no party challenged the accuracy of any finding of fact embodied in the Examiners' report, certain applicants contended that the Examiners' method of grouping their findings in this manner prevented such evidence from receiving "adequate consideration and treatment in relation to the territories and points involved." 114 M.C.C. at 591. The method used by the Examiners, however, was consistent with the method used by counsel for applicants and protestants in their respective abstracts of the evidence presented to the Examiners. It was also consistent with the order of the Commission establishing a special procedure for the presentation of such evidence, which order required the use of modified written statements including for each witness a "description of traffic and special transportation requirements, if any." Consideration of shippers' testimony by commodities has been fol-

lowed in other proceedings. Compare, *United Parcel Service, Inc., Common Carrier Application*, 68 M.C.C. 199, 203.

Typical of the Examiners' findings is their summary of the evidence presented by thirty-three witnesses who ship or receive clothing, the first commodity category considered in their report. After setting forth detailed findings concerning the testimony of each of these witnesses, the Examiners found:

> "These 33 Clothing witnesses are not without available transportation services. Their support is based upon the inadequacies of those services. For the most part their shipments are in small lots and the product is seasonal in its salability. Inventories necessarily are limited because of economic considerations. Orders often are of an emergency nature such as to meet a certain advertised sale, or are reorders of depleted stock. The availability, dependability and speed of transportation service are very real factors in determining the competitive position of these shippers in a particular market area. Yet, many of these witnesses are not familiar with the existing transportation services available, have not tried the joint-line services of the carriers they support for single-line service nor the services available from other carriers, are using joint-line services at times when single-line is available, and few have made any real efforts to solve their transportation problems. To a large degree the schedules proposed by the particular applicant supported form the bases of their support." (Examiners' report, App. C, p. 6)

Similar findings were next made concerning witnesses who shipped or received piece goods, textiles, toweling, thread and yarn. The varying transportation requirements of the different shippers is illustrated by the Examiners' findings relative to the next group, those interested in the movement of signs, displays, and showcase equipment. The Examiners pointed out that the support of these shippers "is based primarily upon the assump-

tion that single-line service is better than connecting line service and that the elimination of interchange between carriers will solve most of their problems merely by reduction in the amount of in transit handling of their shipments." The Examiners pointed out, however, that this assumption "is not justified," because movements "even between points on the lines of a single carrier, may well involve a considerable amount of consolidation and break-bulk distribution between origin and ultimate destination." In addition, it was pointed out that under the applicants' proposals, interline service will still be required "to accomplish a substantial portion of their delivery requirements." The Examiners considered significant the fact that the shippers sought primarily to substitute one service for another "in lieu of the abundant existing services which are available to them but which they have made no attempt to utilize even though in many instances the unused or little used routings would appear on their face to be more advantageous." The Examiners concluded their discussion of this testimony by stating that "The territory here considered is provided with an abundance of transportation facilities." (Examiners' report, App. C, p. 23.)

Similar findings were made as to each of the other categories of commodities shipped or received by the witnesses.

As noted, the applicants' proposals were predicated upon their contention that an improved quality of carrier service is needed by the public, and their presentation centered predominantly upon a comparison of their proposed transit time with the transit time experienced by their supporting shippers. They sought to establish the general pattern of existing transit time primarily through the presentation of shipping documents evidencing service rendered by existing carriers, summarized in "transit-time studies" presented as exhibits. The Examiners recognize that "shippers are entitled to transportation services which will enable them to move their merchandise or replenish their stock with the least delay and inconvenience consistent with economically

and efficient operation of all transportation agencies serving their localities." (Examiners' report, p. 9). Since the ten applications were heard on a consolidated record, however, and since most [initially all] applicants also participated as protestants, the supporting evidence presented by each applicant normally placed in issue the quality of service rendered by other applicants. The Examiners termed this an "anomaly" (p. 10) attributable to the uniqueness of a single hearing involving overlapping proposals by multiple applicants. The Examiners found that most of the witnesses "voice some degree of dissatisfaction" with their existing transit times and summarized this aspect of their testimony as follows:

> "* * * Many of the public witnesses so complaining of slow and inconsistent service submitted abstracts of freight bills showing service they have received from some of the carriers used, including applicants, protestants and other carrier services. In some instances these bills were selected specifically to show poor service, or the abstracts were prepared from records of shipments upon which there had been some difficulty. In other instances they comprised only a few shipments made over a very extensive period of time; and in some instances the bills represented substantially all shipments in a given period between certain points ir areas. It was not unusual for the witnesses to have permitted the applicant they supported to select the bills and prepare the abstracts. The transit time studies of these public witnesses reflect many instances of poor transportation service by protestants, applicants, as well as other carriers. They also reflect instances of good service.
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> "The number of witnesses complaining of unsatisfactory transit time and inconsistency of service by the transportation agencies being used is impressive at first blush, but palls with analysis. While the many transit time studies of the supporting shipper witnesses reflect numerous instances

of service deficiencies, the evidence also discloses that many of the same witnesses have made no investigation of the carrier services available nor experimented with the various combinations of available service to improve their transportation." (Examiners' report, pp. 10-11).

The Examiners noted that if shippers are genuinely concerned about the adequacy of carrier service, they would not continue to follow practices (beyond the control of the carriers) that cause or contribute to service deficiencies. Such practices, admittedly followed by the shippers, include (a) failure to investigate available service, (b) failure to experiment with different available services, (c) use of circuitous routes in lieu of available direct routes, (d) failure to specify routings available to them, (e) the holding of shipments for periodic release, (f) use of slower water or rail service in lieu of faster available motor service, and (g) failure to use available services offered by the very applicants supported. The Examiners found that "little weight" could be accorded such shippers' professed need for improved service. (Examiners' report, pp. 11-12).

Considered collectively or ratably, the number of witnesses in the ten applications appears to be unusually large for proceedings of this type. Consistent with prior findings of the Commission, however, the Examiners noted that:

"Almost every shipper is interested in getting his products to destination as economically and quickly as possible, and is inclined to support the application of any carrier who promises better service than he already has available. As the Commission has noted in other proceedings [*Transamerican Freight Line, Inc.—Purchase (Portion)—Allen Motor Lines*, 59 M.C.C. 695, 722, reversed on other grounds, 65 M.C.C. 163], the number of shipper witnesses which an applicant can present at a hearing to testify that their service is inadequate appears to be governed largely

by the energy put forth and the expense it is willing to incur." (Examiners' report, p. 12).

The Examiners made extensive findings relative to the availability of existing service, such findings being predicated upon evidence presented by applicants and protestants. They noted that the "need to avoid monopolistic tendencies * * * must be balanced against the wasteful duplication of services and the creation of excessive capacity that would adversely affect the continuance of efficient operation by the existing carrier services." They found that "the benefits which may be realized by some few of the public witnesses supporting any of these applications are far outweighed by the serious adverse effect the granting of these applications, or any of them, may have upon existing carrier services." (Examiners' report, pp. 20, 22).

These ultimate findings were supported by subordinate findings relative to resulting deterioration in specific service performed by individual carriers. They found that "the evidence leaves little doubt that some of the smaller carriers likely could not survive." One [Holloway], admittedly rendering adequate and satisfactory service, would likely lose 71 percent of its revenue as a result of a grant to Bowman. Another [Red Line], could be "put out of business." (Examiners' report, p. 20). The Examiners found that the services of the larger carriers would also be jeopardized. For example, one [Gordons] would be affected throughout its system with 58.5 percent of its total revenue being subject to diversion. Over 98 percent of its traffic at certain major terminals would be involved. (Examiners' report, App. D, p. 21). Similar findings were made as to other protestants.

The findings included other specific illustrations of adverse effects. As noted, the applicants proposed a highly selective "overhead" service to the major points only, rendering no service to the smaller points en route. The Examiners noted that

diversion of traffic from such major points "will result in a deterioration of service at many of the smaller points * * * which are not proposed to be served directly by these applicants." (Examiners' report, App. D, p. 36).

The Examiners also noted that the traffic flow is imbalanced and that approval of the applications would aggravate this situation, to the detriment of efficient and economical operations. For example, they found that a further imbalance of Roadway's operations, now heavy westbound, would result from approval, and illustrated the importance of this by noting that: "During the first half of 1967 Roadway operated 157 vehicles empty from Texas eastward to Atlanta or beyond. Loss of any of its eastbound traffic from the Texas origins or connecting points will result in greater imbalance." (Examiners' report, App. D, p. 45). It is noted that 157 empty trips during a 6-month period amounts to one each working day.

Throughout their report, the Examiners found that all criticisms of carrier service made by the witnesses was directed as much toward applicants as toward protestants and others.

Throughout their report, the Examiners also noted that many of the problems cited by the witnesses are directly attributable to practices followed by the shipping and receiving public, beyond the control of the carriers.

The Examiners concluded that approval would result in a deterioration rather than an improvement of service, and set forth specific findings concerning steps that could be taken to improve available service:

> "The solution to the instances in which the public has been subjected to poor transportation services in the circumstances here involved does not lie in the authorization of additional carrier services but rather in the exercise of more diligence and care by the carriers and shippers." (Examiners' report, p. 13).

"* * * remedial procedures are available other than authorizing additional carriers in an area already served by an adequate number of carriers." (p. 31).

"* * * the national transportation policy does not tolerate the conclusion that all shippers at all points are entitled to a single-line service. The traffic involved is of major import to the economy and efficiency of a number of the existing carriers, and to their ability to continue an adequate service to the public under their certificates. Competition with its advantages must be balanced against wasteful duplication and the creation of excessive capacity that would adversely affect the continuation of efficient operations by existing carriers. Moreover, the applicants themselves provide important segments of the existing joint-line services available, and the evidence shows that the shippers could obtain better interline service by more carfeul attention to desirable routings and gateways and by more cooperation between the carriers. We conclude that the existing carrier services are adequate to meet the reasonable needs of the shippers, and that applicants' proposed services could not improve substantially thereon without materially diverting traffic from existing carriers to the detriment of their service and contrary to the public interest." (p. 32)

The Exceptions

Exceptions were filed by eight applicants. In addition, the Commission accepted the exceptions tendered on behalf of the Johnson shippers. All of these exceptions took issue with the Examiners' conclusions. Certain applicants also argued that the Examiners' method of grouping the shippers' evidence by commodities prevented the Examiners from obtaining a proper grasp of such evidence, and suggested that such findings should have been subdivided according to the geographical location of the

witnesses. No exception was taken, however, to any specific finding of fact.

Extensive replies to exceptions were filed by protestants. Since applicants had not challenged any specific findings of the Examiners, the replies sought to demonstrate that the Examiners' conclusions were proper in the light of such findings.

The Division Report

The Division differed with the Examiners in their conclusion that all applications should be denied, and ordered that the three here involved be granted and the others denied. At no point in its report did the Division reject any of the Examiners' findings of fact. However, the only findings of the Examiners expressly adopted by the Division were those relating to the protestants' evidence. As noted, more than half of the Examiners' report was devoted to specific findings based on evidence presented by the shippers. Noting the objections to the format of the Examiners' report, the Division stated that "a clearer picture of the supporting witnesses' needs in these proceedings * * * can be presented by a grouping of the supporting evidence on a geographic basis." The Division "accordingly restated the supporting evidence" in an appendix to its report. 114 M.C.C. at 591.

It cannot be determined from the report whether the Division's "restatement" of such evidence indicates agreement with or rejection of the Examiners' findings. Protestants' efforts to obtain a clarification of the Division's report were unsuccessful. They now assert that the report is defective because of its vagueness and ambiguities, asserting that it fails to meet the requisites of the Administrative Procedure Act, 5 U.S.C. § 557(c). Plaintiffs' contentions find support in the conflicting assertions set forth in defendants' briefs. Under Johnson's interpretation, the Division's report "does not adopt the findings * * * of the Hear-

ing Officers * * * but, instead, enteres entirely new and different findings." Government counsel reads the Division's report differently, asserting that "the Commission's 'restatement' of the facts does not reflect any disagreement with the examiners over what the witnesses said or what the exhibits stated." (Johnson brief, p. 21, Government brief, p. 38). In its subsequent report on reconsideration in *Jones, supra*, the same Division "restated" its findings in the report now under consideration but made it clear that it did not intend thereby to alter such findings since they were expressly adopted. 117 M.C.C. at 590.

The pivotal point of the Division's grant to Red Ball, Bowman and Johnson involved the treatment of evidence relating to the quality of existing service. As noted, applicants contended that the quality of existing service, primarily from a transit-time standpoint, failed to meet the needs of shippers. In resolving this issue adverse to applicants, the Examiners gave consideration both to the evidence as to transit time presented by the shippers and to the voluminous evidence on the same subject presented by protestants. Although the Division expressly adopted the Examiners' findings relative to protestants' proof, they reached the conclusion that the transit-time studies presented by the protestants "do not present as valid a picture as those introduced by those witnesses supporting the applications." This conclusion was predicated upon two factual findings as to protestants' studies: "(1) that most either relate to short periods of time or cover traffic handled for specific shippers and (2) that they were made when protestants were confronted with the possibility of grants of authority to additional carriers." 114 M.C.C. at 599.

Plaintiffs contend that this treatment of vital evidence presented in support of their protests was arbitrary, capricious, and an abuse of discretion and, therefore, violative of the provisions of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). This contention is based upon a comparison of the Division's

treatment of protestants' evidence with other findings in its report:

> 1. The Division gave credance to and predicated ultimate conclusions upon the same type of studies presented by applicants that (a) covered periods of time as short as or shorter than those presented by protestants and (b) covered periods of time in which the applications were pending, such periods being, in some instances, more recent than those utilized by protestants. See, e.g., 114 M.C.C. 586.
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> 2. The periods of time covered by protestants' studies conformed generally to the periods covered by the shippers' studies.
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> 3. The shippers' studies generally "comprised only a *few* shipments made over a very extensive period of time," whereas all protestants' studies included *all* shipments handled during the periods covered.
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> 4. Whereas shippers, or applicants acting for shippers, picked shipping documents "selected specifically to show poor service" or included only "records of shipments upon which there had been some difficulty," the protestants' studies included all shipments, good and bad. (See Examiners' Report, p. 10.)

Plaintiffs further contend that the Division arbitrarily considered only those portions of the shippers' transit-time studies that were favorable to applicants while refusing to consider those portions unfavorable to applicants. This contention is supported by the Division's failure to consider the summaries of the shippers' exhibits prepared by protestants. These summaries of the shippers' evidence demonstrated that service rendered by the applicants was not superior, but in fact was inferior, to that rendered by protestants, and that protestants' service was, on the whole, reasonably expeditious.

Bowman and Johnson both presented transittime studies for the declared purpose of demonstrating their ability to perform in accordance with their proposals. Red Ball, as a protestant, presented limited studies of this type. At one point in its report, the Division accepted applicants' evidence as substantiating applicants' ability to perform as proposed. However, in disposing of protestants' contentions that, when viewed in their entirety, applicants' evidence demonstrated performance inferior to that proposed, the Division ruled that such evidence could not be considered for the purpose of testing applicants' ability to perform as proposed. Accordingly, the identical evidence offered by applicants was accepted and credited, to the extent favorable to applicants, but rejected as having no probative value when stressed by protestants. Compare 114 M.C.C. at 586 and 611. Bowman, on brief, continues to urge the appropriateness of such evidence as providing the "best comparison" of its present with its proposed service (Bowman brief, p. 65), thereby acknowledging the Division's error in ruling that, to the extent such evidence was unfavorable to applicants, it had no probative value.

The protestants' transit-time studies, discredited by the Division, were given considerable weight by the Examiners. The Division acted on its own motion in finding that they were entitled to little weight because "they relate to short periods of time," or because they "cover traffic handled for specific shippers," and because "they were made when protestants were confronted with the possibility of grants of authority to additional carriers." The record disclosed that all such exhibits were presented as representative of normal service rendered by the involved carriers. No one challenged this fact at the hearing or for the reasons assigned, the Division acted *ex mero motu*, on exceptions. In finding that they were entitled to little weight thereby depriving protestants of any opportunity to defend their propriety or correct the alleged deficiencies. The condemnation of such studies on the ground that some "cover traffic handled

for specific shippers" is particularly unwarranted. Again, this "deficiency" was not suggested by any party; therefore, the sponsors of the exhibit were given no opportunity to explain the inappropriateness of the criticism. Explanations contained in petitions for reconsideration were apparently ignored by a majority of the Division. Regardless of such explanations, however, even a casual examination of the record would have disclosed that all protestant exhibits covering "traffic handled for specific shippers" related to shippers that had testified in support of the applications. They consisted of obviously relevant evidence offered to rebut the shippers' evidence. In like manner, no suggestion had been made by any party that protestants' exhibits did not reflect normal or representative service because they covered "periods subsequent to the notice of the commencement of the hearings in these proceedings." Clearly, applicants could not have challenged them on this ground, since all of applicants' exhibits, accepted and credited by the Division, were subject to the identical "deficiency." Overlooked by the Division were the exhibits presented by one protestant covering periods prior to such notice, as well as subsequent thereto. (Exhibits 1747-1763.) General service exhibits were presented by fourteen different protestants (including Red Ball) and collectively reflected service on more than 120,000 shipments.

The significance of the Division's refusal to consider portions of applicants' evidence reflecting unfavorably on protestants and their stated refusal to afford weight to protestants' service exhibits, is demonstrated by brief comparisons of applicants' service with protestants' service, as reflected by the exhibits. Before the Commission and before this Court, Bowman recommends its service exhibits as offering "the best comparison for the service actually being performed over present and proposed routes." Protestants pointed out to the Division, however, that such exhibits actually establish performance greatly inferior to that proposed. In many instances, Bowman demonstrated that it delivered its traffic on time only 55% of the time. Johnson's on-

time performance ranged from 22.5% to 58.5%. These facts were ignored by the Division. They did find, however, that protestants' evidence reflected greatly superior service. For example, as to plaintiff Gordons, the Division found that its record of 5,694 shipments "disclosed 'on-time' performance on 81 percent of the shipments, and that 96 percent were delivered by the first day beyond the established standard." 114 M.C.C. at 768. On 7,885 shipments transported by plaintiff Mercury, its on-time performance "ranges from a low of 76.4 percent to a high of 93.8 percent." 114 M.C.C. at 771. Plaintiff Campbells' on-time performance ranged "from 71.6 percent to 82.4 percent." 114 M.C.C. at 777. Plaintiff Roadway's performance on more than 16,000 shipments "indicates a very substantial on time performance." 114 M.C.C. at 783. Another protestant, on more than 7,000 shipments, established "on time service performance ranging from a low of 80.5 percent to a high of 90.9 percent and an overall average of 86.4 percent." 114 M.C.C. at 790. Various other findings also appear in Appendix G; however, in the body of the Division report, none of these findings are mentioned.

After enumerating various complaints voiced by the shippers, the Examiners found that: "The entire scope of the complaints fall upon both applicants and protestants, as well as upon other carrier services which the witnesses use." (Examiners' report, p. 8). The complaints embraced interline or service restrictions promulgated by Red Ball, Bowman, and Johnson as well as by certain protestants. The Division discussed the complaints as they related to protestants' service, but ignoring the admitted fact that they applied equally to applicants' service. For example, the Division specifically condemned certain protestants for promulgating tariff or service restrictions while refusing to mention identical restrictions promulgated by Red Ball, Bowman and Johnson. 114 M.C.C. at 596-8. Evidence of applicants' restrictions appear in the record. In addition, protestants unsuccessfully urged the Division to take note of additional restrictions of this type filed with the Commission by such appli-

cants subsequent to the hearing. In their briefs, applicants, following the Division's pattern, emphasize evidence of deficiencies relating to protestants but ignore identical evidence relating to applicants.

Again acting on its own motion, the Division took official notice of an industry publication which revealed that one protestant discontinued its terminal at one of the involved points subsequent to the hearing. 114 M.C.C. at 605. At the same time, the Division relied strongly upon its finding that Red Ball maintained 92 terminals, "about three times the collective number of terminals operated by" the three other Southwestern carriers. 114 M.C.C. at 602. In view of such findings, protestants urged the Division to notice that the same industry publication cited by the Division revealed the fact that Red Ball had discontinued 35 of the terminals mentioned by the Division. The Division declined to acknowledge this admitted fact. Also ignored was the evidence of record disclosing Bowman's failure to maintain terminals at numerous major cities along its routes, many of which are far larger than the one at which the protestant's terminal was discontinued.

The shipper witnesses testified in support of ten separate applications heard on the consolidated record. In evaluating this evidence, the Division considered all evidence presented in support of the eight applications that were the subject of exceptions. 114 M.C.C. at 591, 592. In considering protestants' evidence, however, the Division compartmentalized such evidence based upon the application or applications specifically opposed by each carrier presenting such evidence. 114 M.C.C. at 605, 607, 609. The Division omitted entirely the Examiners' summary of all evidence presented by six carriers that had protested only the application of one of the carriers that had failed to file exceptions.

At several places in its summary of protestants' evidence, the Division refers to extensions or expansions of certain protestants'

operating authority, resulting largely from mergers or acquisitions consummated subsequent to the close of the hearing. At no point in its report, however, does the Division evaluate the effect of this expanded service. More significant is the Division's failure to make any comprehensive evaluation of the scope or extent of all carrier service available at the time of its decision. This is particularly significant because its decision was rendered more than four years after the close of the hearing. Instead of considering the quantum of service available at the time of its decision, the Division referred, instead, to a study presented by Johnson at the opening of the hearing, and concluded that such study disclosed "that comparatively there is a paucity of single-line motor carrier service available." 114 M.C.C. at 592. The study referred to was then more than five and one-half years old. It showed, for example, that only three single-line carriers operated between Atlanta and Dallas, the focal points of the applications. Actually, however, there were thirteen such carriers operating between these points at the time of the Division's decision. The exhibit relied upon by the Division for its finding concerning the "paucity of single-line motor carrier service available" reflected three carriers authorized to operate between Atlanta and Houston, one between Atlanta and Baton Rouge, and three between Atlanta and Jackson. At the time of its decision, however, eleven were in operation to Houston, seven to Baton Rouge, and eight to Jackson. Similar changes took place between more distant cities. Between Baltimore and Houston, there was an increase from one to seven; between Boston and Dallas the increase was from three to nine; Charlotte and Dallas, from one to five; between New York and Jackson, from zero to three; between Philadelphia and Houston, from two to six; and between Richmond and Baton Rouge, from zero to three. (See Summary reproduced in plaintiffs' initial brief, pp. 142-5). The Division ignored protestants' pleas that consideration be given to this increased service.

The Division concluded that there is insufficient traffic "to sustain all of the additional motor carrier operations here pro-

posed," and that "the authorization of all such services could lead to unhealthy, if not cut-throat, competition inimical to the public interest." 114 M.C.C. at 601. In concluding that three —and no more—applicants should be granted authority, the Division set forth no basis to support its conclusion that such action would not result in "the creation of excessive capacity and needless duplication of services which would tend to adversely affect the continuance of efficient operation by existing carriers." Although acknowledging this danger, as well as its own admonition "to avoid the proliferation of operating authorities not needed by the shipping public," the Division's conclusions were based upon its finding that, in early 1966, there was a "paucity of single-line motor carrier service available."

As noted, the Examiners found that the selective type of service proposed by applicants would result in a deterioration of service, primarily to the small communities proposed to be traversed but not served by applicants. This finding was carried forward in an appendix to the Division's report, but apparently received no consideration by the Division since it was not otherwise mentioned. 114 M.C.C. at 777.

In like manner, the Division adopted the Examiners' findings that approval would result in a further imbalance in traffic which would result in inefficient and wasteful transportation by increasing the extent of empty vehicle operations. 114 M.C.C. at 783. Again, however, this finding appears only in an appendix and apparently received no consideration by the Division.

The specific findings of the Examiners concerning the adverse effect upon protestant carriers were expressly adopted by the Division. However, such findings appear only in an appendix to the Division's report. In the body of the report, the Division reached conclusions incompatible with such findings. The Division did acknowledge that "undoubtedly" approval of all applications "might have serious adverse consequences on the

existing motor carrier services." Next, after acknowledging the possibility of diversion, the Division disposed of this subject as follows:

> "With the exception of one carrier (Holloway), however, protestants have not shown that they would be seriously adversely affected" [" In this connection, it is noted that protestant United, one of the carriers the examiners indicated would be adversely affected, has been merged into a much larger carrier, Campbell, thereby rendering the issue as to the vulnerability of the former's operations moot.] by such grants, nor does it appear that the operations of any existing carrier would be impaired to such an extent that they would be unable to render service to the public in the future. *Liberty Trucking Co. Ext.—Lake Mills, Wis.*, 111 M.C.C. 423 (1970). Whereas the operations of Holloway (which transports specified commodities in a limited territory) may be seriously adversely affected, the gains to be derived by the shipping public in general far outweight any adverse effect this carrier or any other protestant may experience. 114 M.C.C. at 611."

The Division also failed to consider the admitted fact that many witnesses failed to voice any complaint or criticism, and many acknowledged the availability of satisfactory service. (See Summary, pp. 166-8, 171-2, plaintiffs' initial brief.)

The Division found that the principal indications of dissatisfaction related to existing joint-line service. 114 M.C.C. at 601-2. No acknowledgment was made, however, of the fact that much of the criticism was directed specifically to joint-line service presently provided by Red Ball, Bowman and Johnson. (See Summary, pp. 169-71, plaintiffs' initial brief.)

The Examiners made extensive findings concerning practices followed by shippers that cause or contribute to slow service.

such practices being beyond the control of the carriers. (See Summary, pp. 172-3, plaintiffs' initial brief.) These facts were ignored by the Division.

Other Matters

Plaintiffs contend that they were denied due process as a result of the intervention of the Johnson shippers. As noted, this intervention was granted before protestants had an opportunity to object. After intervening, the Johnson shippers injected new issues, not presented to the Examiners. The shippers' contentions were more political than judicial. They urged liberalization of the traditional regulatory requisites for certifications, stating that a change in Commission policy was favored by the Administration.

The grant to Bowman, exceeding the scope of its application, was described in a Federal Register notice affording interested parties an opportunity to petition for reopening or reconsideration of that application. Several carriers, including ABF, filed timely petitions in response to the notice, based upon their interests in the Bowman grant, seeking reopening or reconsideration of the Division decision. These petitions pointed out that, while the application was pending, Bowman acquired extensive new authority, and the approved grant failed to contain any restriction preventing Bowman from performing service between points in this newly-acquired territory and points within its new grant. Since the original notice of the Bowman application specifically described its proposal to join its *then existing* authority with that sought, petitioners sought an opportunity to demonstrate the need for a modification or denial of the Bowman grant. These petitions were considered along with numerous petitions seeking reconsideration of the Division order. A total of 32 separate groups of peititons and replies thereto, some exceedingly comprehensive, were denied by a two-

to-one vote of the same Division twelve working days after the last pleading was filed. (See Exhibit 5 to Complaint.)

Unless restricted voluntarily or by order of the ICC, a carrier normally can tack newly granted authority with that which it already holds, or with that subsequently acquired. Bowman limited its intention to tack the authority sought in the present proceeding to its then existing authority by the use of the following language as published in the Federal Register of Thursday, August 19, 1965, by stating "* * * with that authority previously granted * * * wherein applicant is authorized to serve points in * * *" and named sixteen (16) states and the District of Columbia. The States of Illinois, Indiana and Ohio were not named in the Federal Register publication. The published language constitutes a specific limitation regarding tacking which did not give notice to the public of any intention to tack the authority sought in the present proceedings to authority subsequently acquired. Subsequent to the publishing of the "Notice," Bowman acquired Albama Highway Express which allowed Bowman to serve points in Indiana, Illinois and Ohio. The grant of authority in the present proceeding by the Commission, Division I, did not contain the limitation against tacking of the authority acquired in the present proceeding. Certain carrires had protested the Bowman application, but withdrew their protest based upon restrictive amendments proposed by Bowman and accepted by the Commission and based upon the limitations of the ability to tack as published in the Federal Register. These carriers, including ABF, sought a reopening, a reconsideration or a denial of the Bowman application, upon the republication required by the Commission because of the change in circumstances in which the Commission was granting more authority to Bowman than had originally been sought and for which notice had been given by the Federal Register publication. The ICC refused to reopen, reconsider or deny the Bowman application without hearing additional evidence based upon the allegations of the petitions filed subsequent to the proposed grant of authority to Bowman.

Conclusions of Law

1. This court has jurisdiction and venue to review this action of the Interstate Commerce Commission. 49 U.S.C. §§ 17(9), 305(g)-(h), 28 U.S.C. §§ 1336(a), 1398, 2284, 2321-25.

2. The limited scope of judicial review of the decisions of independent agencies is a well settled principle of administrative law. Generally, an order of such an agency will be sustained if it is within the agency's statutory powers and is based on appropriate findings which in turn are supported by substantial evidence. If these criteria are met, the reviewing court will sustain the agency even though it might disagree with the agency's conclusions or consider them contrary to the weight of the evidence. *Consolo v. Federal Maritime Commission*, 383 U.S. 607, 86 S.Ct. 1018, 16 L.Ed.2d 131; *Universal Camera Corp. v. N.L.R.B.*, 340 US 474, 488, 71 S.Ct. 456, 95 L.Ed. 456; *United States v. Pierce Auto Freight Lines*, 327 U.S. 515, 536, 66 S.Ct. 687, 90 L.Ed. 821. In *Consolo v. Federal Maritime Commission*, at 383 U.S., at 620, the Supreme Court emphasized that "[substantial evidence] is something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's findings from being supported by substantial evidence." This court has clearly stated this principle on a number of occasions. *Willis Shaw Frozen Express, Inc. v. United States* (1966), 256 F.Supp. 257, 264; *Reddish v. United States* (1960), 188 F.Supp. 160, affirmed sub nom. *Interstate Commerce Commission v. J-T Transport Co., Inc.*, 368 U.S. 81, 82 S.Ct. 204, 7 L.Ed.2d 147. As this court stated in *Patterson v. United States* (1959), 178 F.Supp. 771, 774:

> "The Commission is the fact-finder, and the judicial function is exhausted when there is found to be a rational basis for the conclusions reached by the administrative body. Southern Kansas Greyhound Lines v. United States, D.C. W.D. Mo. 1955, 134 F.Supp. 502."

3. In determining whether there is a rational basis for the conclusions reached by the administrative body, or whether its decision is based on appropriate findings supported by substantial evidence, the reviewing court must follow the provisions of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). As stated in *Columbia Shippers and Receivers Ass'n, Inc. v. United States* (Del. 1969), 301 F.Supp. 310, 319, "*In addition* to the 'substantial evidenec' test generally applicable to this action," the statute requires that the reviewing court shall hold unlawful and set aside agency action, findings, and conclusions found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." (Emphasis added.) As recently stated in *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 413, 28 L.Ed.2d 136, 91 S.Ct. 814, section 706 of the Administrative Procedure Act sets forth "six separate standards." Accord *Eastern Central Motor Carriers Ass'n v. United States* (D.C. 1965), 239 F.Supp. 591, 594. *Mitchell Bros. Truck Lines v. United States* (Ore. 1963), 225 F.Supp. 755, 758, aff'd 378 U.S. 125, 12 L.Ed.2d 744, 84 S.Ct. 1657. See also, *Campbell Sixty-Six Express, Inc. v. United States* (Mo. 1966), 258 F.Sup. 529; *Nashua Motor Express, Inc. v. United States* (N.H. 1964), 230 F.Supp. 646; *Omaha Grain Exchange v. United States* (Neb. 1961), 194 F.Supp. 929, 934; *Stott v. United States* (N.Y. 1958), 166 F.Supp. 851, 855; *Youngblood Truck Lines, Inc. v. United States* (N.C. 1963), 221 F. Supp. 809, 812, and *Heavy-Specialized Carriers Conference v. United States* (Mo. 1964), 231 F.Supp. 968, 970.

4. In *Overton Park, supra*, the court pointed out that in determining whether an agency decision was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law," the reviewing court "must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment." 401 U.S., at 416. The court cited L. Jaffe, *Judicial Control of Administrative Action* (1965). Professor Jaffe, with reference to "abuse of discretion," states, on page 586 of his text:

"* * * Broadly stated an abuse of discretion is an exercise of discretion in which a relevant consideration has been given an exaggerated, an 'unreasonable' weight at the expense of others. The 'letter' has been observed; the 'spirit' has been violated. Discretion implies a 'balancing'; where the result is eccentric, either there has not been a balancing, or a hidden and mayhap improper motive has been at work."

In *Burlington Truck Lines, Inc. v. United States* (1962), 371 U.S. 156, 83 S.Ct. 239, 9 L.Ed.2d 207, the court at page 245 of 83 S.Ct. said:

"Expert discretion is the lifeblood of the administrative process, but 'unless we make the requirements for administrative action strict and demanding, expertise, the strength of modern government, can become a monster which rules with no practical limits on its discretion.' New York v. United States, 342 U.S. 882, 884, 72 S.Ct. 152, 153, 96 L.Ed. 662 (dissenting opinion). 'Congress did not purport to transfer its legislative power to the unbounded discretion of the regulatory body.' Federal Communications Comm'n v. RCA Communications, Inc., 346 U.S. 86, 90, 73 S.Ct. 998, 1002, 97 L.Ed. 1470. The Commission must exercise its discretion under § 207(a) within the bounds expressed by the standard of 'public convenience and necessity.' Compare id., at 91, 73 S.Ct. at 1002, 97 L.Ed. 1470. And for the courts to determine whether the agency has done so, it must 'disclose the basis of its order' and 'give clear indication that it has exercised the discretion with which Congress has empowered it.' Phelps Dodge Corp. v. National Labor Relations Board, 313 U.S. 177, 197, 61 S.Ct. 845, 854, 85 L.Ed. 1271. The agency must make findings that support its decision, and those findings must be supported by substantial evidence. Interstate Commerce Comm'n v. J-T Transport Co., 368 U.S. 81, 93, 82 S.Ct. 204, 211, 7 L.Ed.2d 147; United States v. Caro-

lina Freight Carriers Corp., 315 U.S. 475, 488-489, 62 S.Ct. 722, 729, 86 L.Ed. 971; United States v. Chicago, M., St.P. & P.R. Co., 294 U.S. 499, 511, 55 S.Ct. 462, 79 L.Ed. 1023."

5. Section 706(2)(A) requires the reviewing court to set aside agency action found to be "arbitrary, capricious, an abuse of discretion, or *otherwise* not in accordance with law. (Emphasis added.) This terminology and the above authorities, clearly recognize that the determination of these issues involves a question of law." Since these requirements are in addition to the requirement that agency action be supported by substantial evidence, a mere review of the sufficiency of the evidence will not suffice in a proceeding, such as the one now before the court, where the agency action is alleged to be arbitrary and capricious and resulting from an abuse of discretion.

6. In making its decision "the court shall review the whole record or those parts of it cited by a party * * *" 5 U.S.C. § 706. Although some questions concerning the court's duty to review the whole record existed prior to enactment of the Administrative Procedure Act, Professors Jaffe and Davis, the two leading authors on administrative law, both emphasize that this question was laid to rest with the decision in *Universal Camera Corp. v. N.L.R.B., supra*. Professor Davis cites the statement by Justice Frankfurter in Universal Camera Corp., at 340 U.S., at 488, that: "The substantiality of evidence must take into account whatever in the record fairly detracts from its weight." K. Davis, *Administrative Law Treatise*, Vol. 4, § 29.03, at 129-30 (1958). Professor Jaffee explains the requirement for review on the whole record, as follows:

> "* * * This must mean evidence in the case and in the context of the case. To abstract out of a case that part of the evidence which can be made to support a conclusion is to imagine an abstract case, a case that was never

tried. **A conclusion based on such abstracted evidence may be 'rational,' but it is not a rational decision of the case which was in fact tried.** Evidence which may be logically substantial in isolation may lose its logical relevance, even its claim to credibility, in context with other evidence. The rationality or substantiality of a conclusion can only be evaluated in the light of so much of the situation as is made to appear * * *." *Judicial Control of Administrative Action*, at 601.

7. The record in this proceeding is exceedingly large; however, all portions are not relevant to the Red Ball, Bowman and Johnson applications, and this court's review has been aided by the comprehensive abstracts filed on behalf of the parties. The court has also given careful consideration to the comprehensive findings of fact embodied in the appendices to the Examiners' report and to the Division's report. No challenge was made by any party to the accuracy of these findings of fact and, collectively, they present a comprehensive summary of the evidence.

8. The Commission, acting through one of its Divisions, was not bound by the findings of fact made by the Hearing Examiners, 5 U.S.C. §557(b). In this case, however, the Division did not eject any of the Examiners' findings and the Commission's counsel asserts that the Division's report "does not reflect any disagreement with the examiners over what the witnesses said or what the exhibits stated." In our review, therefore, we have given consideration to the findings embodied in the Division's report as well as to the findings embodied in the Division's report. This procedure was fully discussed in *Universal Camera Corp., supra*, where the court at page 496 of 340 U.S. said:

"We do not require that the examiner's findings be given more weight than in reason and in the light of judicial ex-

perience they deserve. The 'substantial evidence' standard is not modified in any way when the Board and its examiner disagree. We intend only to recognize that evidence supporting a conclusion may be less substantial when an impartial, experienced examiner who has observed the witnesses and lived with the case has drawn conclusions different from the Board's than when he has reached the same conclusion. The findings of the examiner are to be considered along with the consistency and inherent probability of testimony. The significance of his report, of course, depends largely on the importance of credibility in the particular case. To give it this significance does not seem to us materially more difficult than to heed the other facts which in sum determine whether evidence is 'substantial.' "

See, also, *Bituminous Material & Supply Co. v. N.L.R.B.* (8 Cir. 1960), 281 F.2d 365.

9. Defendants' briefs contain extensive references to excerpts from the record cited to support the ultimate conclusions of the Division. Defendants urge this court to confine its review to a determination of the substantiality of such portions of the evidence. The court rejects this suggestion. Our duty is to review "the record in its entirety * * * including the body of evidence opposed to the Board's view." *Universal Camera Corp.*, 340 U.S., at 488.

10. Our review of the Division's report in the light of the whole record compels us to the conclusion that the Division based its ultimate conclusions upon subordinate findings that can be supported only by a consideration of portions rather than the entire record. Such action was, therefore, in the legal sense, "arbitrary and capricious." *Campbell Sixty-Six Express, Inc. v. United States* (W.D.Mo. 1966), 258 F.Supp. 529.

11. In addition, the Division's report fails to meet the requisites of clarity. 5 U.S.C. § 557(c). In the words of Justice Cardozo: "In the end we are left to spell out, to argue, to choose between conflicting inferences." *United States v. Chicago, M., St. P. & P. R. Co.*, 294 U.S. 499, 510-11, 55 S.Ct. 462, 79 L.Ed. 1023. A court cannot "be expected to chisel that which must be precise from what the agency has left vague and indecisive." *S.E.C. v. Chenery Corp.*, 332 U.S. 194, 197, 67 S.Ct. 1575, 91 L.Ed. 1995. The ambiguity of the report is best illustrated by the Division's treatment of the principal findings of the Examiners. They were neither adopted nor rejected, approved nor disapproved. Counsel for the government says the Division meant one thing, but counsel for Johnson disagrees. But even if counsel agreed, "[e]xplanations proffered in briefs at the appellate level are not an adequate substitute for a reasoned explanation of the result reached in the decision itself." *N.L.R.B. v. International Union of Operating Eng., Local 925* (5 Cir. 1972), 460 F.2d 589, 604. As stated in *Northeast Airlines, Inc. v. Civil Aeronautics Board* (1 Cir. 1964), 331 F.2d 579, 586: "Courts ought not to have to speculate as to the basis for an administrative agency's conclusion."

12. There is no rational basis for the Division's refusal to give weight to the extensive transit-time studies presented by protestants. These studies constituted the most important part of protestants' evidence and collectively reflected their service on more than 120,000 shipments. No contention was made at the hearing or on brief that they did not portray normal or representative service of the involved carriers. The length of time covered by the studies or the dates embraced therein were not considered significant by the parties or the Examiners. Indeed, these facts were not deemed sufficiently important by the Division itself to be mentioned in its own findings relative to evidence presented by certain protestants. For example, as to plaintiff Campbell, the Division's finding makes no mention of

the length of time or the dates involved in its studies. 114 M.C.C. at 777. Other findings were stated in the same manner; that is, the results were set forth without regard to the length or the date of the studies, thereby showing that the Division deemed such facts unimportant. The conclusion that these studies are entitled to little weight because they "relate to short periods of time" is completely arbitrary. Many covered longer periods of time than those presented by applicants and others covered periods identical to the applicants'. The Division's reliance upon the applicants' studies and its refusal to rely upon protestants' studies constitutes arbitrary and capricious action.

13. The Division's condemnation of protestants' studies on the ground that some "cover traffic handled for specified shippers" is particularly unwarranted. The applicants placed in issue the quality of service rendered by specific carriers to specific shippers by presenting such shippers as witnesses. Protestants then presented shipping documents taken from their files evidencing specific service rendered for those same shippers. Clearly, there is no rational basis for the Division's consideration of such evidence presented by applicants and its refusal to consider such evidence presented by protestants.

14. The rejection of protestants' traffic studies on the ground that they cover periods of time subsequent to the filing of the applications is also without rational basis. The Division made specific findings in favor of applicants based upon applicants' studies that covered similar or later periods of time. Again, one standard was applied to applicants and a different standard to protestants. The "law does not permit an agency to grant to one person the right to do that which it denies to another similarly situated. There may not be a rule for Monday, another for Tuesday, a rule for general application, but denied outright in a specific case." *Mary Carter Paint Co. v. F.T.C.* (5 Cir. 1964), 333 F.2d 654, 660 (concurring opinion), rev'd on other grounds 382 U.S. 46, 86 S. Ct. 219, 15 L.Ed.2d 128. *HC&D*

Moving & Storage Company v. United States (Hawaii 1969), 298 F.Supp. 746.

15. The "deficiencies" that, in the view of the Division, destroyed the effectiveness of protestants' studies were "deficiencies" that had not been suggested by anyone prior to the Division's ruling. Protestants, therefore, were given no opportunity to defend the propriety of such evidence or correct such "deficiencies." Applicants and protestants alike had followed identical, established standards in presenting their traffic studies, and if such standards are to be changed, the parties were entitled to reasonable notice and an opportunity to conform to such change. The Commission's failure to do this under similar circumstances required the court, on two occasions, to set aside their orders in *Ringsby Truck Lines, Inc. v. United States* (D.C. Colo. 1967), 263 F.Supp. 552, appeal dismissed as moot, 88 S.Ct. 689 (1968); *Ringsby Truck Lines, Inc. v. United States* (D.C. Colo. 1972), 1972 Fed. Carr. Cas. ¶ 82,305, case dismissed, U.S. Sup. Ct. Oct. 24, 1972. In its first decision the court stated:

> "Certainly when carriers appear before the Commission, they are entitled to know by what standards they are going to be judged * * * and indeed the Commission itself has said that 'in fairness, standards should not be changed without due notice.' *General Increases—Transcontinental*, 319 I.C.C. 792, 803 (1963). See also, *E. Brooks Matlack, Inc. v. United States*, 119 F.Supp. 617 (E.D.Pa. 1954)."

In **Ringsby,** as in the case at bar, the Division rejected traffic studies as not being representative although "there was absolutely no counteravailing evidence" as to their representativeness. This court agrees with the court in **Ringsby** that there was no rational basis for such action.

16. While predicating findings, favorable to applicants, upon applicants' traffic studies, the Division refused to consider those

portions of the **same exhibits** reflecting unfavorably upon applicants. For example, Bowman's studies are cited to support the conclusion that Bowman **can** perform the type and quality of service proposed (p. 586), but the **identical exhibits** were found to have **no probative value** when cited by protestants to support their challenge that Bowman **cannot** perform as proposed (p. 611). Since such studies were presented by applicants for the stated purpose of establishing "the feasibility of the proposals," and since applicants still commend them on brief as being the best evidence of applicants' capabilities, the Division's refusal to consider those portions unfavorable to applicants clearly lacks a rational basis.

17. Other evidence received similar arbitrary treatment by the Division. It prelicated essential findings upon portions of traffic studies, presented by applicants' shippers, favorable to applicants, but refused to consider comprehensive summaries of the identical studies compiled by protestants and relied upon by protestants to demonstrate that applicants' own exhibits, viewed in their entirety, showed performance by protestants superior to that of applicants as well as reasonably adequate protestant service. The Division also refused to consider interline and service restrictions imposed by Red Ball, Bowman and Johnson, as shown in the record, while predicating conclusions based upon identical restrictions and practices on the part of certain protestants. [Also ignored were additional service restrictions filed with the Commission by such applicants subsequent to the hearing.] Again, the identical type of evidence was relied upon by the Division when favorable to applicants and ignored when adverse to applicants. The Examiners, however, cited and relied upon all such evidence.

18. Other evidence presented by applicants' shippers received similar treatment by the Division. Findings of the Examiners, and findings embodied in an appendix to the Division's report, reflecting unfavorably upon applicants received

emphasis by the Examiners but no consideration by the Division.

19. As stated in **Baltimore & O. R.R. v. United States,** 264 U.S. 258, 265, 44 S.Ct. 317, 320, 68 L.Ed. 667, 674:

> "The provision for a hearing implies both the privilege of introducing evidence and the duty of deciding in accordance with it. To refuse to consider evidence introduced, or to make an essential finding without supporting evidence, is arbitrary action."

20. On its own motion, the Division took official notice of an industry publication which revealed that one terminal described in a protestant's evidence had been closed subsequent to the hearing. At the same time, the Division placed emphasis upon the large number of terminals maintained by applicant Red Ball. Since the same industry publication cited by the Division also revealed that many of Red Ball's terminals had been closed subsequent to the hearing, the Division should have noted that its findings as to Red Ball were substantially incorrect. Most certainly the Division should not have relied upon information in the publication favorable to an applicant while refusing to consider those portions of the same publication reflecting unfavorably upon an applicant. In like manner, if the Division considered it significant that a protestant failed to maintain a terminal at one of the involved points, why was no mention made of Bowman's failure to maintain terminals at numerous, larger cities? The basic rudiments of fairness were simply not applied.

21. The court cannot discern any rational basis for the Division's conclusion that three additional carriers are needed to meet the needs of the shipping public. The report contains no comparative analysis of the quantity of service available between any of the involved points; therefore, there is simply no way to determine whether the available service be-

tween any such points is or is not sufficient. Although references were made in an appendix to the grant of certain additional authority to some protestants subsequent to the hearing, neither the extent nor the effect of such authority is mentioned in the Division's evaluation of the evidence. Instead, the Division refers to an exhibit, then more than five and one-half years old, as showing "that comparatively there is a paucity of single-line motor carrier service available." The statement that new grants of authority to protestants and others have "been accorded full and careful consideration" (p. 576) cannot be accepted as a substitute for adequate findings, and the report is devoid of any findings or any discussion of the total services available at the time of the hearing and at the time of the decision.

The issue before the Commission involved the "present or future public convenience and necessity." 49 U.S.C. § 307(a). At the close of 1971, when its decision was made, the Division discussed only the quantity of service available in early 1966. At the same time, however, it acknowledged its duty to consider the recent grants of authority by citing *West Brothers, Inc., Extension—Baton Rouge, La.* (1969), 108 M.C.C. 485, 489, and *Ayers, Extension—Cheyenne, Wyo.* (1965), 99 M.C.C. 795, 797. **West** is uniquely applicable. There, the Commission declined to grant authority to West (a plaintiff herein) between Birmingham and Baton Rouge (points here involved) solely on the ground that one carrier, Mercury (another plaintiff herein), had been granted authority to operate between such points subsequent to the hearing of West's application, stating:

> "In order to carry out the dictates of the national transportation policy, we may take official notice of our actions in other proceedings which bear materially upon the issues under immediate consideration. In so doing we must give effect to the actions taken in other pro-

ceedings. [citing cases]. While Mercury is not a party to this proceeding, we may take official notice of its recently granted certificate." 108 M.C.C. at 489.

To illustrate: Nowhere in the report now under review does the Commission consider, or even disclose, that the exhibit showing a "paucity of single-line service" reflected only one direct carrier between Atlanta and Baton Rouge in 1966, whereas seven such carriers were in operation at the time of the Division's decision. **West** was decided while the present case was pending on exceptions. If the addition of one carrier (Mercury) between Birmingham and Baton Rouge was sufficient to cause denial of West's application, why, indeed, did not the addition of six new carriers require denial of the present applications between Atlanta and Baton Rouge? The Commission's report does not supply a rational answer to this question. Instead, it contains a grant of three more carriers between Atlanta and Baton Rouge, bringing the present total to ten. It also grants two more (Red Ball and Bowman) between Birmingham and Baton Rouge, a decision which appears to be in direct conflict with its prior decision in West.

22. "While the Courts are not concerned with the consistency or inconsistency of the conclusions and findings of the Commission, 'consistency of administrative **rulings** is essential, for to adopt different standards for similar situations is to act arbitrarily.' " *HC&D Moving & Storage Company v. United States*, 298 F.Supp., at 751, quoting from *Dixie Highway Express, Inc. v. United States* (S.D. Miss. 1967), 268 F.Supp. 239, 241.

23. The Division found that "protestants have not shown that they would be seriously adversely affected by such grants." This conclusion is directly contrary to the Division's findings of fact set forth in an appendix to its report. These findings include specific facts showing that the grant of one or more of the applications would result in the serious deterioration of

existing service rendered by numerous carriers. The Division found that service to small communities would be curtailed. It also found that carriers would be confronted with an increase in empty vehicle operations, a situation obviously detrimental to efficient and economical service. These are not averments or contentions advanced by protestants; they are specific facts found by the Examiners and by the Division. The Division's conclusion is contrary to such findings.

24. The present situation is similar to that before the court in *Campbell Sixty-Six Express, Inc. v. United States, supra.* In that case, as in the case at bar, neither the Commission nor the parties raised any question as to the accuracy of findings of fact set forth in the Examiner's report. On exceptions, however, the same Division of the Commission reached a conclusion contrary to that of the Examiner. The court there recognized the limited scope of judicial review but, at the same time, acknowledged the admonition of *Eastern Central Motor Carriers Ass'n v. United States* (D.C. 1965), 239 F.Supp. 591, 594, that "the Court must review the record without a rubber stamp approach." The court relied upon *Eastern* and *Nashua Motor Express, Inc. v. United States* (N.H. 1964), 230 F.Supp. 646. Recognizing that the terms "arbitrary" and "capricious" mean "without rational basis," the court concluded that the findings of fact of the Examiner "incontrovertibly demonstrate to this Court" that the conclusions reached by the Division were not justified. In declaring void the Commission's order, the court stated that "we have a situation where facts as found by the Examiner and adopted by the Commission simply do not supply any rational basis" for the Commission's conclusion. Since the Commission's "ultimate conclusion" was not based upon "adequate subordinate findings," the court found that such conclusion was "in the legal sense, 'arbitrary and capricious'." These findings are fully applicable to the case at bar.

25. Certain defendants seek to support the Division's rejection of protestants' service exhibits as being consistent with

prior Commission decisions. They cite *Braswell Motor Freight Lines, Inc., Extension—Atlanta* (1966), 100 M.C.C. 482, but in that case the Commission found that:

> "* * * most of the service deficiencies relating to transit times about which the supporting shippers and receivers complain and which are reflected in their service exhibits **are not directly disputed or explained in the service exhibits sponsored by any protestant, or otherwise."** 100 M.C.C. at 493.

Thus, in **Braswell,** the Commission criticized protestants for **failing** to present service exhibits that directly disputed the shippers' exhibits. In the case at bar, however, the Division criticized the protestants because they **did** present such evidence.

Taking note of the Division's rejection of protestants' studies because they related to service rendered after the applications were filed, defendants cite *T.S.C. Motor Freight Lines, Inc. v. United States* (Tex. 1960), 186 F.Supp. 777, aff'd sub nom. *Herrin Transportation Co. v. United States,* 366 U.S. 419, 81 S.Ct. 1356, 6 L.Ed.2d 387. Protestants' traffic studies were discredited by the Commission in that proceeding because there was "evidence showing a noticeable increase in satisfactory service shortly prior to the hearings on these applications." There was no such evidence in the present case, however. In fact, applicants here alleged that there was a deterioration of service during the period subsequent to the filing of the applications.

26. The Commission acted within its discretionary powers in permitting the Johnson shippers to intervene and file exceptions. However, the Division should not have permitted such parties to inject new issues, particularly since the Examiners were given no opportunity to rule upon such issues.

27. The Division's rejection of the petition of ABF and others, seeking reopening and reconsideration of the Bowman applica-

tion, does not appear compatible with the Federal Register notices describing such application. The summary rejection of these and other petitions, by a two-to-one vote of the same Division that reversed the Examiners, indicates a rigid predisposition to uphold the prior decision. The additional publication of the Bowman grant was thereby treated as a meaningless formality.

28. Viewed in its entirety, the Division's report indicates a predilection to grant these particular applications, followed by a strained attempt to marshal findings to support such conclusion. In applying different standards to evidence presented by applicants as contrasted with evidence presented by protestants, and in some instances to the same evidence, the report sounds more in advocacy than in impartial adjudication. Although the court acknowledges the Commission's right to assign proceedings for disposition before its three-member Divisions, it is difficult to understand why this, the largest case of its kind in Commission history, was ultimately disposed of by a two-to-one vote of the same Division that rendered the initial decision. It is noted that the dissenting vote was recorded by a Commissioner who was not a member of the Division at the time of the initial decision. When the petitions were filed, however, he reviewed the record and "became convinced that the consolidated proceeding should be reopened for the purpose of denying **all** the applications." 117 M.C.C. 586, 597.

29. There must be an end to litigation. These applications have been pending since 1965, and the facts developed in this record have little bearing on a determination at this time of "the present or future public convenience and necessity." For this reason, and because the findings and conclusions of the Division are arbitrary, capricious and without rational basis, no useful purpose would be served by remanding this matter to the Commission.

Judgment is being entered today permanently suspending, annulling and setting aside the orders of the Interstate Commerce Commission issued in Docket No. 1124 (Sub-No. 206) styled Herrin Transportation Company, Extension—Atlanta, Ga., to the extent that said orders authorize the issuance of Certificates of Public Convenience and Necessity to Red Ball Motor Freight, Inc., in Docket No. MC-2229 (Sub-No. 132); to Bowman Transportation, Inc., in Docket No. MC-94201 (Sub-No. 56); and to Johnson Motor Lines, Inc., in Docket No. MC-106401 (Sub-No. 18); declaring said orders to be void; and permanently restraining and enjoining the Commission from issuing said Certificates of Public Convenience and Necessity.

This . . . day of September, 1973.

PAT MEHAFFY
United States Circuit Judge

JNO. E. MILLER
U. S. Senior District Judge

PAUL X. WILLIAMS
United States District Judge

APPENDIX A

Status of Jones Truck Lines, Inc.

Jones Truck Lines, Inc. (Jones), MC-111231 (Sub-No. 67) filed on June 14, 1965, its application for extension of its present authority (1) between Atlanta, Ga., and Texarkana, Ark. (and intermediate points between Birmingham and Greenville, Miss., and on U.S. 82 in Arkansas); (2) between Texarkana, Ark., and Sherman, Texas (and all intermediate points); (3) between Birmingham, Ala., and Memphis, Tenn. (no intermediate points);

and (4) between Texarkana, Ark., and Dallas, Texas (all intermediate points). Service was restricted against the movement of traffic to or from Memphis, Tenn., and its commercial zone, but not on traffic moving through Memphis and its commercial zone on the one hand, and on the other, points east of the Mississippi River.

Throughout the hearings in the consolidated applications, Herrin Transportation Co., MC-1124 (Sub-No. 206), Jones, Bowman and Johnson were commonly referred to as "The Trinity," and filed with the court a joint abstract of the evidence in behalf of "The Trinity," containing seven large volumes. The application was submitted to the Hearing Examiners along with the other nine applications, and all were denied on the ground that the applicants had failed to establish that the present or future public convenience and necessity require the operations proposed in their respective applications.

In reviewing the report and recommendations of the Hearing Examiners, served Nov. 19, 1969, Division 1 at page 601 of Exhibit 1 to the original complaint, stated: "(c) there is not, in our opinion, sufficient traffic to sustain all of the additional motor carrier operations here proposed, and (d) the granting of all the applications would, as a consequence, materially endanger or impair the operations of existing carriers (and of applicants themselves) contrary to the public interest."

In its findings of fact the Commission at page 612 found that Jones, along with other applicants, had failed to establish the present and future public convenience and necessity, and that the applications should be denied. Accordingly, on December 30, 1971, the Commission granted only the applications of Red Ball, Bowman and Johnson, and denied all others.

Jones petitioned the Commission to reopen the hearing, and on September 6, 1972, the petition was granted and the ap-

plication reopened for further hearing. In the petition Jones contended that there is a need for some additional services and that the volume of traffic shown to be moving would not sustain the added services and operations proposed by eight applicants; that Jones' application should be granted either in addition to those granted, or in lieu of the grant of authority to Red Ball; that that in choosing Red Ball over Jones, the Commission failed to appreciate that the two carriers served different areas; that Jones received more support from connecting carriers than any of the other applicants; that only nine carriers remain as active protestants to the Jones application, and that these are nine of the largest carriers in the United States, and therefore a grant of authority to Jones would not materially affect their operations, and that the grants to Red Ball, Bowman and Johnson without a grant to Jones "strikes a death blow to one of the oldest carriers in the Midwest Central South."

A number of protestants replied to Jones' petition, and charged that the thrust of Jones' petition is that a grant of its application should be based upon the number of witnesses produced rather than upon probative evidence of public need or adequacy of existing service.

Upon the reconsideration, the Commission on December 6, 1972, decided that its order of December 30, 1971, denying the application should be set aside and Jones should be granted authority with certain restrictions.

It is interesting to note that according to Exhibit 1 to the original complaint, Division 1 of the Commission was composed of Commissioners Murphy, Deason and Gresham. Division 1, acting as an Appellate Division, on the date the former report and order were considered, was composed of Commissioners Murphy, Hardin and Gresham. The order of December 6, 1972, reveals that Commissioner Hardin dissented. In his dissent he stated:

"Commencing with my initial review of the record in the consolidated Herrin case, which review occurred prior to the entry of the September 1, 1972, order [the order in which an Appellate Division denied and disposed of certain pleadings as therein set forth] referred to in footnote 5 to the majority report, I became convinced that the consolidated proceeding should be reopened for the purpose of denying all the applications. Therefore, I did not approve the September 1, 1972, order. Further, I did not approve the entry of the October 2, 1972, order, also referred to in footnote 5, wherein a majority of the Commission determined that this massive consolidated proceeding involving 'what is perhaps the most extensive record ever developed in connection with a single group of motor carrier application proceedings before this Commission,' did not involve issues of general transportation importance.

"I remain of the opinion that the applications of Red Ball, Bowman, and Johnson granted in the Herrin case should be denied. Most certainly, the record will not support the grant of any authority to Jones. Accordingly, I dissent."

On June 29, 1973, the plaintiffs filed their motion in this court for leave to serve and file a supplemental complaint pursuant to Rule 15(d), Fed.R.Civ.P. In the motion plaintiffs referred to the allegations contained in their original complaint filed October 5, 1972, and the prayers for relief contained therein; that subsequent to the filing of the original complaint, the ICC had caused to be issued three additional orders which affect and are material to the issues in this cause. The purpose of the supplemental complaint was to bring before the court for review the subsequent orders and reports issued by the Commission, and for the same relief against the defendants as prayed for in the original complaint, and seeks to set aside, vacate, suspend, enjoin and annul those orders subsequently entered

in Docket No. MC-111231 (Sub-No. 67) that would authorize the issuance of an additional Certificate of Public Convenience and Necessity as described therein. A copy of the proposed supplemental complaint was attached to the motion, which contains various allegations and plaintiffs' contentions, and prays that the court issue a temporary restraining order to remain in force and effect until a hearing and determination by the court, and to prevent the report and orders of the Commission from becoming final and effective; to prevent the Commission from issuance of a Certificate of Public Convenience and Necessity to Jones, and that upon a final hearing and determination of the action, that the Commission be permanently enjoined and prohibited from issuing of the Certificates to successful applicants, or in the alternative, that the matter be remanded to the Commission for appropriate action under the applicable facts and law.

On the same day the motion was filed, the court ordered that a full hearing on the motion and other incidental questions that may arise therein or therefrom be held at Fort Smith, Ark., beginning at 10:00 a.m. on Tuesday, July 24, 1973. On July 16, 1973, a motion of intervening defendant Johnson was filed to dissolve the temporary restraining order; to convene a three-judge court to hear and determine plaintiffs' application for preliminary injunction and motion to file supplemental complaint.

On July 19, 1973, Daisy Manufacturing Company and 69 others filed a motion to intervene as defendants, and if allowed to intervene, to oppose the motion to file supplemental complaint, and if supplemental complaint is allowed to be filed, that they be allowed to file a motion to dismiss the complaint, and to intervene to oppose granting of any temporary restraining order against the issuance of the Jones certificate, and if the court allows the filing of the supplemental complaint and they do not prevail upon their motion to dismiss, that they be allowed to file answer.

On July 23, 1973, Johnson also filed a pleading termed "Opposition to Plaintiffs' Motion to File Supplemental Complaint." On the same date, Red Ball filed its motion to dissolve the temporary restraining order entered November 7, 1972 (350 F.Supp. 545), and to grant plaintiffs' application for preliminary injunction and to dismiss the motion to file supplemental complaint.

Early on the day of the hearing, July 24, Bowman filed its objections to the motion of plaintiffs to file a supplemental complaint.

All of the motions and objections were argued orally by the attorneys for the various parties, and were submitted "upon the complete record heretofore filed in this case, together with all exhibits, briefs and arguments of counsel for the various parties." At the conclusion of the hearing the court entered an order denying the motion without prejudice.

Following the overruling of the motion of plaintiffs to file supplemental complaint, the attorney for Jones was allowed to and did withdraw all motions filed by intervenor Daisy Manufacturing Company.